

NPL-RCRA-C-F-1-22

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# Environmental Protection Agency

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## Part III

## Environmental Protection Agency

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40 CFR Part 300

National Priorities List for Uncontrolled  
Hazardous Waste Sites; Final Rules

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 300**

(FRL-3655-4)

**National Priorities List for Uncontrolled Hazardous Waste Sites—Final Rule Converting Sites Subject to the Subtitle C Corrective Action Authorities of the Resource Conservation and Recovery Act****AGENCY:** Environmental Protection Agency.**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency ("EPA") is amending the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR part 300, which was promulgated on July 16, 1982, pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"). CERCLA has since been amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA") and is implemented by Executive Order 12580 (52 FR 2923, January 29, 1987). CERCLA requires that the NCP include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States, and that the list be revised at least annually. The National Priorities List ("NPL"), initially promulgated as Appendix B of the NCP on September 8, 1983 (48 FR 40658), constitutes this list and is being revised today by the addition of 23 sites. Based on a review of public comments, EPA has decided that 13 of these sites, which are subject to the corrective action authorities of Subtitle C of the Resources Conservation and Recovery Act ("RCRA"), meet the listing requirements of the NPL. This rule also adds 5 RCRA sites on which no comments were received, and adds 5 no-comment sites which filed RCRA permit applications as a precaution and are not subject to RCRA corrective action authorities. Finally, today's action removes 27 RCRA sites from the proposed NPL. EPA has reviewed public comments on the removal of these sites and has decided not to place them on the NPL because they are subject to the subtitle C corrective action authorities of RCRA, and do not, at this time, appear to come within the categories of RCRA facilities that EPA considers appropriate for the NPL. Information supporting these actions is contained in the Superfund Public Docket.

Elsewhere in today's Federal Register is another final rule that adds 70 sites,

including 11 Federal Facility sites, to the NPL and drops 4 sites from the proposed NPL. These two rules result in a final NPL of 981 sites, 52 of them in the Federal section; 213 sites are proposed to the NPL, 63 of them in the Federal section. Final and proposed sites now total 1,194.

**EFFECTIVE DATE:** The effective date for this amendment to the NCP shall be November 3, 1989. CERCLA section 305 provides for a legislative veto of regulations promulgated under CERCLA. Although *INS v. Chadha*, 462 U.S. 919, 103 S. Ct. 2764 (1983), cast the validity of the legislative veto into question, EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives. If any action by Congress calls the effective date of this regulation into question, the Agency will publish a notice of clarification in the Federal Register.

**ADDRESSES:** Addresses for the Headquarters and Regional dockets follow. For further details on what these dockets contain, see section I of the "SUPPLEMENTARY INFORMATION" portion of this preamble.

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**I. Introduction****Background**

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. sections 9601-9657 ("CERCLA" or the "Act"), in response to the dangers of uncontrolled or abandoned hazardous waste sites. CERCLA was amended in 1986 by the Superfund Amendments and Reauthorization Act ("SARA"), Public Law No. 99-499, Stat. 1613 *et seq.* To implement CERCLA, the U.S. Environmental Protection Agency ("EPA" or "the Agency") promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan ("NCP") 40 CFR Part 300, on July 16, 1982 (47 FR 31180) pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP, further revised by EPA on September 16, 1985 (50 FR 37624) and November 20, 1985 (50 FR 47912), sets forth guidelines and procedures needed to respond under CERCLA to releases and threatened releases of hazardous substances, pollutants, or contaminants. On December 21, 1988 (53 FR 51394), EPA proposed revisions to the NCP in response to SARA.

Section 105(a)(8)(A) of CLA, as amended by SARA, requires that the NCP include "criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action." Removal action involves cleanup or other actions that are taken in response to releases or threats of releases on a short-term or temporary basis (CERCLA section 101(23)).

Remedial action tends to be long-term in nature and involves response actions which are consistent with a permanent remedy for a release (CERCLA section 101(24)). Criteria for determining priorities for possible remedial actions financed by the Trust Fund established under CERCLA are included in the Hazard Ranking System ("HRS"), which EPA promulgated as Appendix A of the NCP (47 FR 31219, July 16, 1982).

On December 23, 1988 (53 FR 51962), EPA proposed revisions to the HRS in response to CERCLA section 105(c), added by SARA. EPA intends to issue the revised HRS as soon as possible. However, until EPA has reviewed public comments and the proposed revisions have been put into effect, EPA will continue to propose and promulgate sites using the current HRS, in accordance with CERCLA section 105(c)(1) and Congressional intent, as explained in 54 FR 13299 (March 31, 1989).

Based in large part on the HRS criterion, and pursuant to section 105(a)(8)(B) of CERCLA, as amended by SARA, EPA prepared a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The list, which is Appendix B of the NCP, is the National Priorities List ("NPL"). CERCLA section 105(a)(8)(B) also requires that the NPL be revised at least annually. A site can undergo CLA-financed remedial action only after it is placed on the NPL as provided in the NCP at 40 CFR 300.66(c)(2), and 300.68(a).

An original NPL of 406 sites was promulgated on September 8, 1983 (48 FR 40658). The NPL has been expanded since then, most recently on March 31, 1989 (54 FR 13296). The Agency has also published a number of proposed rulemakings to add sites to the NPL, most recently a special update of two sites on August 16, 1989 (54 FR 33846).

EPA may delete sites when no further response is appropriate, as provided in the NCP at 40 CFR 300.66(c)(7). To date the Agency has deleted 28 sites from the NPL, most recently on September 22, 1989 (54 FR 38994) when the Cecil Lindsey site, Newport, Arkansas, was deleted.

Of the sites in this rule, 30 were originally proposed in the first four updates to the NPL,<sup>1</sup> prior to publication

<sup>1</sup> Update #1 (48 FR 40674, September 8, 1983), Update #2 (49 FR 40320, October 15, 1984), Update #3 (50 FR 14115, April 10, 1985) and Update #4 (50 FR 37950, September 18, 1985).

in 1986 of an expanded policy for listing on the NPL certain categories of sites regulated under the Resource Conservation and Recovery Act ("RCRA") (announced on June 10, 1986 (51 FR 21054) and further amended on June 24, 1988 (53 FR 23978)) (the "NPL/RCRA policy"). The 39 sites were identified as possibly subject to the Subtitle C corrective action authorities of RCRA, and therefore possibly subject to the NPL/RCRA policy. Because the public had not been afforded notice and opportunity to comment on the application of this policy to these sites, the Agency repropose the sites (13 to be listed, 26 to be dropped) on June 24, 1988 under the amended policy and at the same time solicited comments on the proposed actions (53 FR 23978). Nine RCRA sites proposed in NPL Update #7 (53 FR 23968, June 24, 1988) and one site proposed in Update #8 (54 FR 19526, May 5, 1989) are also being added to the NPL in this final rule; these sites were proposed under the NPL/RCRA policy, but received no comments. In addition, one RCRA site proposed in Update #7 is being dropped in this final rule because of a change in its RCRA status.

EPA has carefully considered all the public comments submitted on the 39 previously proposed RCRA sites, both in response to the original proposal of the sites, as well as in response to the application of the NPL/RCRA policy to the specific sites. The Agency has made some modifications in this final rule in response to those comments. In addition, the Agency is dropping one proposed Update #7 site in response to comments concerning the site's RCRA status.

The Agency has responded to a number of major comments on the policy for listing RCRA sites in this notice. Responses to more site-specific listing policy issues, as well as comments on HRS scores, are presented in the "Support Document for the Revised National Priorities List—Final Rule Covering Sites Subject to the Subtitle C Corrective Action Authorities of the Resource Conservation and Recovery Act, October, 1989" which is a separate document available in the Headquarters and Regional public dockets (see Addresses portion of this notice).

This rule, together with the final rule appearing elsewhere in today's Federal Register, results in a final NPL of 981 sites, 52 of them in the Federal section; 213 sites are in proposed status, 63 of them in the Federal section. Final and proposed sites now total 1,194.

EPA includes on the NPL sites at which there are or have been releases or

threatened releases of hazardous substances, pollutants, or contaminants. The discussion below may refer to "releases or threatened releases" simply as "releases," or alternatively, as "facilities" or "sites."

#### *Information Available to the Public*

The Headquarters and Regional public dockets for the NPL (see ADDRESSES portion of this notice) contain documents relating to the scoring and evaluation of sites in this final rule. The dockets are available for viewing "by appointment only" after the appearance of this notice. The hours of operation for the Headquarters docket are from 9:00 a.m. to 4:00 p.m., Monday through Friday excluding Federal holidays. Please contact individual Regional dockets for hours.

The Headquarters docket contains a memorandum-to-the-record describing the RCRA status of the sites, HRS score sheets for each final site, a Documentation Record for each Final site describing the information used to compute the scores, a list of documents referenced in the Documentation Record, comments received, and the Agency's response to those comments (the "Support Document").

Each Regional docket includes all information available in the Headquarters docket for sites in that Region, as well as the actual reference documents, which contain the data upon which EPA principally relied upon in calculating or evaluating the HRS scores for sites in the Region. These reference documents are available only in the Regional dockets. They may be viewed "by appointment only" in the appropriate Regional docket or Superfund Branch office. Requests for copies may be directed to the appropriate Regional docket or Superfund Branch.

An informal written request, rather than a formal request, should be the ordinary procedure for obtaining copies of any of these documents.

## **II. Purpose and Implementation of the NPL**

### *Purpose*

The primary purpose of the NPL is stated in the legislative history of CERCLA (Report of the Committee on Environment and Public Works, Senate Report No. 96-848, 96th Cong., 2d Sess. 60 (1980)):

The priority lists serve primarily informational purposes, identifying for the States and the public those facilities and sites or other releases which appear to warrant remedial actions. Inclusion of a facility or site on the list does not in itself reflect a judgment

of the activities of its owner or operator, it does not require those persons to undertake any action, nor does it assign liability to any person. Subsequent government action in the form of remedial actions or enforcement actions will be necessary in order to do so, and these actions will be attended by all appropriate procedural safeguards.

The purpose of the NPL, therefore, is primarily to serve as an informational and management tool. The initial identification of a site for the NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of the public health and environmental risks associated with the site, and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. The NPL also serves to notify the public of sites EPA believes warrant further investigation.

Federal facility sites are eligible for the NPL pursuant to the NCP at 40 CFR 300.66(c)(2), and are included on the NPL even if there are RCRA hazardous waste management units within the facility boundaries, consistent with the Federal facilities listing policy (54 FR 10520, March 13, 1989). However, section 111(e)(3) of CERCLA, as amended by SARA, limits the expenditure of CERCLA monies at Federally-owned facilities. Federal facility sites are also subject to the requirements of CERCLA section 120, added by SARA.

#### Implementation

A site can undergo remedial action financed by the Trust Fund established under CERCLA only after it is placed on the final NPL as outlined in the NCP at 40 CFR 300.66(c)(2) and 300.68(a). However, EPA may take enforcement actions under CERCLA against responsible parties regardless of whether the site is on the NPL. The fact that the Agency may defer the listing of a site subject to RCRA Subtitle C does not preclude the use of CERCLA section 104 to respond to a release or CERCLA section 106 to compel action by multiple parties at such a site. EPA also has the authority to take removal actions at any site, whether listed or not, that meets the criteria of the NCP at 40 CFR 300.65-67.

EPA's policy is to pursue cleanup of NPL sites using the appropriate response and/or enforcement actions available to the Agency, including authorities other than CERCLA (e.g., RCRA). Listing a site will serve as notice to any potentially responsible party that the Agency may initiate CERCLA-financed remedial action. The Agency will decide on a site-by-site basis whether to take enforcement or other action under CERCLA or other statutory authorities,

to proceed directly with CERCLA-financed response actions and seek to recover response costs after cleanup, or to do both. To the extent feasible, once sites are on the NPL, EPA will determine high-priority candidates for Superfund-financed response action and/or enforcement action through both State and Federal initiatives. These determinations will take into account which approach is more likely to most expeditiously accomplish cleanup of the site while using CERCLA's limited resources as efficiently as possible.

Remedial response actions will not necessarily be funded in the same order as a site's ranking on the NPL—that is, its HRS score. The information collected to develop HRS scores is not sufficient in itself to determine either the extent of contamination or the appropriate response for a particular site. EPA relies on further, more detailed investigations undertaken during the remedial investigation/feasibility study (RI/FS) to address these concerns.

The RI/FS determines the type and extent of contamination. It also takes into account the amount of contaminants in the environment, the risk to affected populations and the environment, the cost to correct problems at the site, and the response actions that have been taken by potentially responsible parties or others. Decisions on the type and extent of action to be taken at these sites are made in accordance with the criteria contained in Subpart F of the NCP. After conducting these additional studies, EPA may conclude that it is not desirable to initiate a CERCLA remedial action at some sites on the NPL because of more pressing needs at other sites, or because a private party cleanup is already underway pursuant to an enforcement action. Given the limited resources available in Superfund, the Agency must carefully balance the relative needs for response at the numerous sites it has studied. It is also possible that EPA will conclude after further analysis that the site does not warrant remedial action.

Revisions to the NPL such as today's rulemaking may move some previously listed sites to a lower position on the NPL. However, if EPA has initiated action such as an RI/FS at a site, it does not intend to cease such actions to determine if a subsequently listed site should have a higher priority for funding. Rather, the Agency will continue funding site studies and remedial actions once they have been initiated, even if higher scoring sites are later added to the NPL.

*RI/FS at Proposed Sites.* An RI/FS can be performed at proposed sites (or

even non-NPL sites) pursuant to the Agency's removal authority under CERCLA, as outlined in the NCP at 40 CFR 300.68(a)(1). Section 101(23) of CERCLA defines "remove" or "removal" to include "such actions as may be necessary to monitor, assess and evaluate the release or threat of release \* \* \*". The definition of "removal" also includes "action taken under Section 104(b) of this Act \* \* \*," which authorizes the Agency to perform studies, investigations, and other information-gathering activities.

Although an RI/FS is generally conducted at a site after the site has been placed on the NPL, in a number of circumstances the Agency elects to conduct an RI/FS at a proposed NPL site in preparation for a possible CERCLA-financed remedial action, such as when the Agency believes that a delay may create unnecessary risks to human health or the environment. In addition, the Agency may conduct an RI/FS to assist in determining whether to conduct a removal or enforcement action at a site.

*Facility (Site) Boundaries.* The Agency has received a number of inquiries concerning whether EPA could (or would) revise NPL site boundaries. The issue frequently arises where a landowner seeks to sell an allegedly uncontaminated portion of an NPL site. The Agency's position is that it is neither feasible nor consistent with the limited purpose of the NPL (as the mere identification of releases), for the Agency to describe precise boundaries of releases.

CERCLA section (a)(8)(B) directs EPA to list national priorities among the known "releases or threatened releases" of hazardous substances. Thus, the purpose of the NPL is merely to identify releases of hazardous substances that are priorities for further evaluation. Although a CERCLA "facility" is broadly defined to include any area where a hazardous substance release "come to be located" (CERCLA Section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases.<sup>2</sup> Of course, HRS data upon which the NPL placement was based will, to some extent, describe which release is at issue; that is, the NPL release would include all releases evaluated as part of that HRS analysis

<sup>2</sup> Although CERCLA section 101(9) sets out the definition of "facility" and not "release," those terms are often used interchangeably. (See CERCLA section 105(a)(8)(B), which defines the NPL as a list of "releases" as well as the highest priority "facilities.") (For ease of reference, EPA also uses the term "release" and "facility.")



(including noncontiguous releases evaluated under the NPL aggregation policy, see 48 FR 40663 (September 8, 1983)).

Because the Agency does not formally define the geographic extent of releases (or sites) at the time of listing, there is no administrative process to "delist" allegedly uncontaminated areas of an NPL site (or to expand sites to follow the contamination where it has come to be located).<sup>3</sup> Such a process would be time-consuming, subject to constant re-verification, and wasteful of resources. Further, the NPL is only of limited significance, as it does not assign liability to any party. See Report of the Senate Committee on Environment and Public Works, Senate Rep. No. 96-848, 96th Cong., 2d Sess. 60 (1980), quoted at 48 FR 40659 (September 8, 1983). If a party contests liability for releases on discrete parcels of property, it may do so if and when the Agency brings an action against that party to recover costs or to compel a response action at that property.

EPA regulations do provide that the "nature and extent of the threat presented by a release" will be determined by an RI/FS as more information is developed on site contamination (40 CFR 300.68(d)). However, this inquiry focuses on an evaluation of the threat posed; it is not a requirement to define the boundaries of the release, and in any event is independent of the NPL listing. Moreover, it is generally impossible to discover the full extent of where the contamination "has come to be located" prior to completion of all necessary studies and remedial work at a site; indeed, the boundaries of the contamination can be expected to change over time. Thus, in most cases, it will be impossible to describe the boundaries of a release with certainty.

At the same time, however, the Agency notes that the RI/FS or Record of Decision (ROD) may offer a useful indication to the public of the areas of contamination at which the Agency is considering taking a response action, based on information known at that time. For example, EPA may evaluate (and list) a release over a 400-acre area, but the ROD may select a remedy over 100 acres only. This information may be useful to a landowner seeking to sell the other 300 acres, but it would result in no formal change in the fact that a release

is included on the NPL. The landowner (and the public) should also note in such a case that if further study (or the remedial construction itself) reveals that the contamination is located on or has spread to other areas, the Agency may address those areas as well.

This view of the NPL as an initial identification of a release that is not subject to constant re-evaluation is consistent with the Agency's policy of not rescoring NPL sites:

EPA recognizes that the NPL process cannot be perfect, and it is possible that errors exist or that new data will alter previous assumptions. Once the initial scoring effort is complete, however, the focus of EPA activity must be on investigating sites in detail and determining the appropriate response. New data or errors can be considered in that process . . . [T]he NPL serves as a guide to EPA and does not determine liability or the need for response. 49 FR 37081 (September 21, 1984).\*

### III. NPL Update Process

There are three mechanisms for placing sites on the NPL. The principal mechanism is the application of the HRS. The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to cause human health or safety problems, or ecological or environmental damage. The HRS score is calculated by estimating risks presented in three potential "pathways" of human or environmental exposure: ground water, surface water, and air. Within each pathway of exposure, the HRS considers three categories of factors "that are designed to encompass most aspects of the likelihood of exposure to a hazardous substance through a release and the magnitude or degree of harm from such exposure": (1) factors that indicate the presence or likelihood of a release to the environment; (2) factors that indicate the nature and quantity of the substances presenting the potential threat; and (3) factors that indicate the human or environmental "targets" potentially at risk from the site. Factors within each of these three categories are assigned a numerical value according to a set scale. Once numerical values are computed for each factor, the HRS uses

mathematical formulas that reflect the relative importance and interrelationships of the various factors to arrive at a final site score on a scale of 0 to 100. The resultant HRS score represents an estimate of the relative "probability and magnitude of harm to the human population or sensitive environment from exposure to hazardous substances as a result of the contamination of ground water, surface water, or air" (47 FR 31180, July 18, 1982). Those sites that score 28.50 or greater on the HRS are eligible for the NPL.

Under the second mechanism for adding sites to the NPL, each State may designate a single site as its top priority, regardless of the HRS score. This mechanism is provided by section 105(a)(98)(B) of CERCLA, as amended by SARA, which requires that, to the extent practicable, the NPL include within the 100 highest priorities, one facility designated by each State representing the greatest danger to public health, welfare, or the environment among known facilities in the State.

The third mechanism for listing, included in the NCP at 40 CFR 300.66(b)(4) (50 FR 37624, September 18, 1985), has been used only in rare instances. It allows certain sites with HRS scores below 28.50 to be eligible for the NPL if all of the following occur:

- The Agency for Toxic Substances and Disease Registry of the U.S. Department of Health and Human Services has issued a health advisory which recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

All of the sites in today's final rule have been placed on the NPL based on HRS scores.

States have the primary responsibility for identifying non-Federal sites, computing HRS scores, and submitting candidate sites to the EPA Regional offices. EPA Regional offices conduct a quality control review of the States' candidate sites, and may assist in investigating, sampling, monitoring, and scoring sites. Regional offices may also consider candidate sites in addition to those submitted by States. EPA Headquarters conducts further quality assurance audits to ensure accuracy and consistency among the various EPA and State offices participating in the scoring. The Agency then proposes the sites that meet one of the three criteria for listing

<sup>3</sup> The Agency has already discussed its authority to follow contamination as far as it goes, and then to consider the release or facility for response purposes to be the entire area where the hazardous substances have come to be located. 54 FR 13298 (March 31, 1989).

\* See also *City of Stoughton, Wisc. v. U.S. EPA*, 858 F. 2d 747, 751 (D.C. Cir. 1988):

Certainly EPA could have permitted further comment or conducted further testing [on proposed NPL sites]. Either course would have consumed further assets of the Agency and would have delayed a determination of the risk priority associated with the site. Yet . . . "the NPL is simply a rough list of priorities, assembled quickly and inexpensively to comply with Congress' mandate for the Agency to take action straightaway." *Eagle-Picher [Industries v. EPA] II*, 759 F. 2d [921,] at 932 [(D.C. Cir. 1985)].

(and EPA's listing policies) and solicits public comments on the proposal. Based on these comments and further review by EPA, the Agency determines final HRS scores and places those sites that still qualify on the final NPL.

#### IV. Statutory Requirements and Listing Policies

CERCLA restricts EPA's authority to respond to certain categories of releases of hazardous substances, pollutants, or contaminants by expressly excluding some substances, such as petroleum, from the response program. In addition, CERCLA section 105(a)(8)(B) directs EPA to list priority sites "among" the known releases or threatened releases of hazardous substances, pollutants, or contaminants, and section 105(a)(8)(A) directs EPA to consider certain enumerated and "other appropriate" factors in doing so. Thus, as a matter of policy, EPA has the discretion not to use CERCLA to respond to certain types of releases. For example, EPA has chosen not to list sites that result from contamination associated with facilities licensed by the Nuclear Regulatory Commission (NRC), on the grounds that the NRC has the authority and expertise to clean up releases from those facilities (48 FR 40661, September 8, 1983). Where other authorities exist, placing the site on the NPL for possible remedial action under CERCLA may not be appropriate. Therefore, EPA has chosen not to consider certain types of sites for the NPL even though CERCLA may provide authority to respond. If, however, the Agency later determines that sites not listed as a matter of policy are not being properly responded to, the Agency may place them on the NPL.

The listing policy of relevance to this final rule applies to sites subject to the corrective action authorities of RCRA Subtitle C.

#### V. Development of the NPL/RCRA Policy

Since the first NPL final rule (48 FR 40658, September 8, 1983) the Agency's policy has been to defer listing sites that could be addressed by the RCRA Subtitle C corrective action authorities, even though EPA has the statutory authority to list all RCRA sites that meet the NPL eligibility criterion (i.e., a score of 28.50 or greater under the HRS). Until 1984, RCRA corrective action authorities were limited to facilities with releases to ground water from surface impoundments, waste piles, land treatment areas, and landfills that received RCRA hazardous waste after July 26, 1982. Sites which met these criteria were listed only if they were abandoned or lacked sufficient

resources, Subtitle C corrective action authorities could not be enforced, or a significant portion of the release came from nonregulated units.

On November 8, 1984, the Hazardous and Solid Waste Amendments (HSWA) were enacted. HSWA greatly expanded RCRA Subtitle C corrective action authorities as follows:

- Section 3004(u) requires permits issued after the enactment of HSWA to include corrective action for all releases of hazardous waste or constituents from solid waste management units at a treatment, storage, or disposal facility seeking a permit.
- Section 3004(v) requires corrective action to be taken beyond the facility boundary where necessary to protect human health and the environment unless the owner/operator of the facility demonstrates that despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action.
- Section 3008(h) authorizes the Administrator of EPA to issue an order requiring corrective action or such other response measures as deemed necessary to protect human health or the environment whenever it is determined that there is or has been a release of hazardous waste into the environment from a facility with interim status.

As a result of the broadened Subtitle C corrective action authorities of HSWA, the Agency sought comment on a policy for deferring the listing of non-Federal sites subject to the Subtitle C corrective action authorities (50 FR 14117, April 10, 1985). Under the draft policy, the listing of such sites would be deferred unless and until the Agency determined that RCRA corrective action was not likely to succeed or occur promptly due to factors such as:

- The inability or unwillingness of the owner/operator to pay for addressing the contamination at the site.
- Inadequate financial responsibility guarantees to pay for such costs.
- EPA or State priorities for addressing RCRA sites.

The intent of the policy was to maximize the number of site responses achieved through the RCRA corrective action authorities, thus preserving the CERCLA Fund for sites for which no other authority is available. Federal facility sites were not considered in the development of the policy at that time because the NCP prohibited placing Federal facility sites on the NPL.

On June 10, 1986 (51 FR 21057), EPA announced components of a policy for the listing, or the deferral from listing, of several categories of non-Federal sites subject to the RCRA Subtitle C corrective action authorities. Under the policy, RCRA sites not subject to Subtitle C corrective action authorities

would continue to be placed on the NPL. Examples of such sites include:

- Facilities that ceased treating, storing, or disposing of hazardous waste prior to November 19, 1980 (the effective date of Phase I of the RCRA regulations), and to which the RCRA corrective action or other authorities of Subtitle C cannot be applied.
- Sites at which only materials exempted from the statutory or regulatory definition of solid waste or hazardous waste were managed.
- RCRA hazardous waste handlers to which RCRA Subtitle C corrective action authorities do not apply, such as hazardous waste generators or transporters not required to have interim status or a final RCRA permit.

Further, the policy stated that certain RCRA sites at which Subtitle C corrective action authorities are available may also be listed if they meet the criterion for listing (i.e., an HRS score of 28.50 or greater) and they fall within one of the following categories:

- Facilities owned by persons who have demonstrated an inability to finance a cleanup as evidenced by their invocation of the bankruptcy laws.
- Facilities that have lost authorization to operate and for which there are additional indications that the owner or operator will be unwilling to undertake corrective action. Authorization to operate may be lost when issuance of a corrective action order under RCRA section 3008(h) terminates the interim status of a facility or when the interim status of the facility is terminated as a result of a permit denial under RCRA section 3005(c). Also, authorization to operate is lost through operation of RCRA section 3005(e)(2) when an owner or operator of a land disposal facility did not certify compliance with applicable ground water monitoring and financial responsibility requirements and submit a Part B permit application by November 8, 1985—also known in HSWA as the Loss of Interim Status Provision (LOIS)).
- Facilities that have not lost authorization to operate, but which have a clear history of unwillingness. These situations are determined on a case-by-case basis.

On June 24, 1988 (53 FR 23978) EPA amended the June 10, 1986 policy (51 FR 21057) to include four additional categories of RCRA sites as appropriate for the NPL. These categories are:

- Non- or late filers.
- Converters.
- Protective filers.
- Sites holding permits issued before the enactment of HSWA.

In that same June 24, 1988 notice, the Agency proposed to add 13 sites to the NPL on the basis of the amended NPL/RCRA policy, and to drop 30 sites from the proposed NPL because they were subject to the Subtitle C corrective action authorities of RCRA and did not, at the time, appear to fall into one of the categories of RCRA facilities that EPA considers appropriate for listing under the current policy. In addition, in a separate Federal Register notice on the same date (53 FR 23988), the Agency proposed Update #7, which included a number of RCRA sites for listing under the NPL/RCRA policy. Nine of these sites are being added to the NPL in today's final rule. Also, on May 5, 1989 (54 FR 19526), the Agency proposed Update #8, which included 10 sites. One of these sites, a RCRA site, received no comment and is being added to the NPL in today's final rule.

#### *Unwillingness Criteria*

As part of the NPL/RCRA policy announced on June 10, 1986 (51 FR 21059), EPA explained its policy of listing RCRA sites where the owner/operator has demonstrated an unwillingness to take corrective action. The policy stated that, as a general matter, EPA prefers using available RCRA enforcement or permitting authorities to require corrective action by the owner/operator at RCRA sites because this helps to conserve CERCLA resources for sites with no financially viable owner/operator. However, when the Agency determines that a RCRA facility owner/operator is unwilling to carry out corrective action directed by EPA or a State pursuant to a RCRA order or permit, there is little assurance that releases will be addressed in a timely manner under a RCRA order or permit. Therefore, such facilities should be listed in order to make CERCLA resources available expeditiously. Under the policy, RCRA facilities will be placed on the NPL when owners/operators are found to be unwilling based on a case-by-case determination.

Several RCRA facilities being finalized in this rule were proposed for the NPL based upon their HRS scores and EPA's case-by-case determination that the owner/operators were unwilling to take corrective action. For each such site, the Agency has prepared a lengthy memorandum to the record, documenting the actions (or failures to act) upon which the unwillingness finding was based. EPA solicited comment on the listing of these sites (and on the findings of unwillingness), and is responding to comment here and in the accompanying support document. EPA believes that the sites are

appropriate for the NPL. On August 9, 1988 (53 FR 30005), EPA added objective criteria to its policy for determining unwillingness. Specifically, a RCRA facility would be placed on the NPL based on unwillingness when the owner/operators are not in compliance with one or more of the following:

- Federal or substantially equivalent State unilateral administrative order requiring corrective action, after the facility owner/operator has exhausted administrative due process rights
- Federal or substantially equivalent State unilateral administrative order requiring corrective action, if the facility owner/operator did not pursue administrative due process rights within the specified time period
- Initial Federal or State preliminary injunction or other judicial order requiring corrective action
- Federal or State RCRA permit condition requiring corrective action after the facility owner/operator has exhausted administrative due process rights
- Final Federal or State consent decree or administrative order on consent requiring corrective action, after the exhaustion of any dispute resolution procedures

However, the Agency explained it would be both unnecessary and inappropriate to go back and reexamine already proposed sites based on the revised criteria. First, the revised criteria had not been announced when the sites in this rule were evaluated for unwillingness and proposed for the NPL. Second, the new criteria do not represent a substantive change, but rather, an attempt at developing more easily applied and understood objective criteria. EPA believes that the determinations of unwillingness made for the sites in this rule fully satisfy the Agency's policy and goals. Third, the Agency recognized that some lead time would be necessary for the Regions and States to apply the new criteria to sites before submitting them for proposal to the NPL; specifically, the Regions and States would be required to issue corrective action orders at RCRA sites before determining unwillingness, rather than evaluating all evidence on a case-by-case basis. Thus, the Agency decided to apply the new criteria only to sites proposed after August 9, 1988, so as not to significantly and unnecessarily delay promulgation and response action at already proposed sites.

#### *Amended NPL/RCRA Policy*

On June 24, 1988 (53 FR 23978), the Agency amended its NPL/RCRA policy by adding four categories of RCRA sites appropriate for listing.

(1) *Non- or late filers:* Facilities that were treating, storing or disposing of Subtitle C hazardous waste after November 19, 1980, and did not file a Part A RCRA permit application by that date and have little or no history of compliance with RCRA.

The Agency decided to place on the NPL "non- or late filers" based on the finding that RCRA treatment, storage or disposal facilities ("TSDFs") that fail to file Part A of the RCRA permit application generally remain outside the range of cognizance of authorities responsible for compliance with RCRA, and generally are without the institutional mechanisms, such as ground water monitoring programs, necessary to assure prompt compliance with the standards and goals of the RCRA program. Therefore, EPA believes that it is not appropriate to defer to RCRA for action at these sites, even though RCRA technically may apply. However, in cases where non- or late filer facilities have in fact come within the RCRA system and demonstrated a history of compliance with RCRA regulations (as may be the case with late filers), the Agency may decide to defer listing and allow RCRA to continue to address problems at the site.

(2) *Converters:* Facilities that at one time were treating or storing RCRA Subtitle C hazardous waste but have since converted to an activity for which interim status is not required (e.g., generators who store hazardous waste for 90 days or less). These facilities, the withdrawal of whose Part A application has been acknowledged by EPA or the State, are referred to as converters.

Converters at one time treated or stored Subtitle C hazardous waste and were required to obtain interim status. EPA believes that under RCRA section 3008(h) it can compel corrective action at such sites. However, RCRA's corrective action program currently focuses on TSDFs subject to permitting requirements, and thus EPA has not routinely reviewed converters under RCRA Subtitle C. EPA has decided that the deferral of this category of sites is not appropriate, as these sites are not currently engaged in treatment, storage, or disposal activities subject to RCRA permitting and they are not a priority for prompt corrective action under RCRA. Instead, the Agency has decided to list such sites to make full CERCLA resources and authorities available, if necessary. In cases where a converter has agreed to corrective action under a RCRA unilateral or consent corrective action order, the Agency will generally defer listing and allow RCRA to continue to address problems at the site.

EPA is currently prioritizing RCRA facilities for corrective action. If the

Agency determines that converter sites will in the future be addressed in an expeditious manner by RCRA authorities, then it will reconsider the listing policy for RCRA converter sites and may defer converters to RCRA for corrective action.

(3) *Protective Filers:* Facilities that have filed RCRA Part A permit applications for treatment, storage, or disposal of Subtitle C hazardous waste as a precautionary measure only. These facilities may be generators, transporters, or recyclers of hazardous wastes, and are not subject to Subtitle C corrective action authorities.

These facilities filed RCRA Part A permit applications as TSDFs as a precautionary measure only, and are generators, transporters, or recyclers of hazardous wastes. Protective filers are not subject to Subtitle C corrective action authorities, and thus, EPA has decided to place them on the NPL in order to make full CERCLA resources and authorities available.

(4) *Pre-HSWA Permittees:* Facilities with RCRA permits for the treatment, storage, or disposal of Subtitle C hazardous waste that were issued prior to the enactment of HSWA, and whose owner/operator will not voluntarily consent to the reissuance of their permit to include corrective action requirements.

For facilities with permits that pre-date HSWA, the owner/operators are not required through the permit to perform corrective action for releases from solid waste management units, and the Agency does not have the authority to modify such pre-HSWA permits to include facility-wide RCRA corrective action under RCRA section 3004(u) until the permit is reissued. Because many pre-HSWA permits are for 10 years, with the last pre-HSWA permit having been issued prior to November 8, 1984, it could be 1994 before the Agency could reissue some permits to include corrective action requirements. Therefore, the Agency has decided to list RCRA facilities with pre-HSWA permits (that have HRS scores of at least 28.50, or are otherwise eligible for listing), so that CERCLA authorities will be available to more expeditiously address any releases at such sites. However, if the permitted facility consents to the reissuance of its pre-HSWA permit to include corrective action requirements, the Agency will consider not adding the facility to the NPL.

#### *Financial Inability to Pay*

On August 9, 1988 (53 FR 30002), EPA solicited comment on amendments to the NPL/RCRA policy concerning the inability of an owner/operator to pay for cleanup at a RCRA-regulated site.

The Agency received a number of comments on the amendments under consideration, but has made no final decision concerning these issues. The Agency will respond to comments and announce its decision on this policy in the future.

#### *VI. Response to Public Comments*

The Agency received a number of comments on the June 24, 1988 amendments to the NPL/RCRA policy, and on the application of those amendments and the June 10, 1988 NPL/RCRA policy to sites proposed for the NPL. Responses to the significant comments concerning the general application of the amended criteria are summarized below. All site-specific comments are summarized and responded to in the support document accompanying this rule, which is available in the Superfund dockets.

##### *VI.a. Support for the Policy*

A number of commenters supported the policy to drop sites from the NPL that can be adequately addressed under the corrective action authorities of RCRA Subtitle C. One commenter supported EPA's ability to initiate short-term emergency actions at RCRA sites. Another commenter supported the planned use of RCRA authority whenever possible, since the use of RCRA authorities "avoids the administrative complexity and unneeded political burden of NPL listing."

In response, the Agency notes that its decision to defer certain sites subject to the RCRA Subtitle C corrective action authorities is based on the ability of those authorities to achieve cleanup at a site and to preserve CERCLA resources for use at other sites.

##### *VI.b. Opposition to the Policy*

A number of commenters opposed dropping RCRA sites from the proposed NPL, transferring the sites from CERCLA to RCRA authorities, on the grounds that Superfund authorities are more protective of human health and the environment than are RCRA authorities. One commenter stated that Superfund cleanup standards are more stringent than RCRA's. The commenter noted that CERCLA requires permanent treatment to the maximum extent feasible, whereas RCRA does not. The commenter added that the RCRA program does not include cleanup guidelines similar to those under Superfund. Another commenter stated that CERCLA offers more remedial options than RCRA.

In response, both statutes require that remedies employed protect human

health and the environment. The Agency intends for the two programs to provide similar cleanup solutions for similar environmental problems, even if procedural requirements differ. Indeed, one of the Agency's primary objectives in development of the RCRA corrective action regulations is to achieve substantive consistency with the CERCLA remedial program.

The NPL/RCRA policy is based on efficient allocation of limited CERCLA resources. Although CERCLA provides authority to clean up all sites, including RCRA sites, using CERCLA in all cases would be inefficient because RCRA has authority to conduct certain cleanup actions. Corrective action provisions are now required in RCRA permits, which direct activities at the site, often long after cleanup actions are completed. By deferring to RCRA, more sites are addressed, and the overall goals of both statutes are advanced.

Two commenters opposed transferring sites from CERCLA to RCRA authorities, maintaining that enforcement oversight is greater under CERCLA than RCRA.

In response, EPA believes the RCRA program assures adequate oversight. RCRA orders and permits establish oversight on a site-by-site basis. If a remedial action is extremely complex or the owner/operator is not fully cooperative, EPA may provide extensive oversight. In other cases, extensive oversight is not necessary. In any event, EPA inspection requirements apply to all sites under RCRA corrective action authorities. Under RCRA, States may be authorized to operate a hazardous waste program in lieu of the Federal program. Consequently, in many cases States provide oversight (RCRA section 3006).

One commenter opposed the policy to drop RCRA sites from the NPL because RCRA was not intended as a cleanup bill.

In response, the Agency disagrees. As discussed earlier, HSWA greatly expanded Subtitle C corrective action authorities, and EPA believes a complete cleanup can be achieved under RCRA. As the House Committee on Energy and Commerce noted in its report on HSWA:

Unless all hazardous constituent releases from solid waste management units at permitted facilities are addressed and cleaned up the Committee is deeply concerned that many more sites will be added to the future burdens of the Superfund program with little prospect for control or cleanup. The responsibility to control such releases lies with the facility owner and operator and should not be shifted to the Superfund program, particularly when a final [RCRA] permit has been requested by the



facility. H.Rept. 198, 98th Cong., 1st Sess. 61 (1983).

Sites are not included on the NPL if they are subject to the RCRA Subtitle C corrective action authorities and prompt cleanup appears likely. RCRA authorities may be used by themselves or in conjunction with CERCLA removal and enforcement authorities to initiate corrective action or to continue actions already begun. For sites being dropped from the proposed NPL, if a CERCLA Remedial Investigation/Feasibility Study (RI/FS) or enforcement actions have been initiated, these actions will continue in order to avoid disruption of site cleanup activities. And, of course, deferred RCRA sites may later be added to the NPL if corrective action is not being taken.

One commenter stated that the deletion of sites prior to a complete cleanup sets a bad precedent. The commenter believes that the removal of a site from the NPL because it is being managed under RCRA could give the false impression that the site is no longer a significant threat to public health and the environment.

In response, the deferral of a site to RCRA authorities does not mean that the Agency has determined that cleanup is complete or that a site no longer poses a threat to human health and the environment. Rather, it means that the Agency has determined that the sites can be addressed under another authority, and that, to conserve CERCLA resources and avoid duplication, listing should not proceed. Furthermore, the Agency does not believe that the deferral of a site to RCRA authorities jeopardizes any cleanup that is underway or planned.

The Agency has requested comment on deleting certain final RCRA sites from the NPL in the proposed NCP revisions (53 FR 51421, December 21, 1988); even under the proposed approach, sites would only be deferred where response action was "progressing adequately" under an enforcement order or a RCRA permit and where several other conditions were met.

Several commenters stated that, because RCRA does not give EPA the powers granted by CERCLA, and because not all CERCLA authorities are available at sites not on the NPL, deferring a site from the NPL may deny the Agency the full scope of authorities necessary to compel cleanup by a responsible party. The commenters were particularly concerned that CERCLA cost recovery authorities are not available at RCRA sites. One commenter added that the lack of joint and several liability authorities under

RCRA may obstruct RCRA cleanup at multiparty sites where one party is unwilling.

In response, the only authority unavailable at a deferred RCRA facility is use of the CERCLA Trust Fund for remedial action. The Agency retains ample authorities, under both RCRA and CERCLA, to ensure expeditious cleanup at RCRA facilities. CERCLA section 104 removal actions, including Fund-financed RI/FS's, can be taken at RCRA sites to respond promptly to a release, and cost recovery for such actions would be available. In addition, where an "imminent and substantial endangerment" is posed by a release at a RCRA facility, the Agency may take enforcement action under CERCLA section 106 and thereby compel action by multiple parties.

Although cost recovery and joint and several liability provisions are not available for all RCRA actions, significant authorities are available under RCRA. First, enforcement actions against multiple parties can be brought under RCRA section 7003 if an imminent hazard exists. Second, EPA has corrective action authorities under RCRA section 3008(h) at interim status facilities and under RCRA section 3004 (u) and (v) at permitted facilities. Third, RCRA section 3013 gives EPA authority to conduct investigations and studies at RCRA facilities and require the owner/operator to reimburse EPA for the costs. Although RCRA focuses on owner/operator liability, the Agency can take joint RCRA/CERCLA actions where appropriate (e.g., surface cleanups under RCRA, ground water cleanups under CERCLA section 106), making multiple party solutions feasible.

Under RCRA Subtitle C authorities, liability focuses on the owner/operator for cleanup of hazardous waste releases. However, if the owner/operator is unwilling or unable to carry out such action, EPA may decide to place the site on the NPL to allow Fund-financed cleanup. The Agency may then pursue cost recovery against the owner/operator and other Potentially Responsible Parties (PRPs).

Several commenters opposed transferring sites to RCRA because, they stated, CERCLA provides for more public participation. In addition, one commenter noted that Technical Assistance Grants (TAGs) and public hearing requirements available under Superfund are not available at sites being dropped from the NPL (53 FR 9741, March 24, 1988).

In response, although the process is somewhat different in the two statutes, public participation nevertheless plays an important role in reaching cleanup

decisions under both. The commenter is correct in stating that, under CERCLA section 117(e)(1), a TAG is not available if a site is not on or proposed for the NPL. However, the RCRA program provides for significant public participation opportunities. When issuing a draft permit (or notice of intent to deny), the Agency gives public notice and allows 45 days for written comment. If interest is expressed, public hearings must be held. The Agency will also issue a fact sheet or a statement of basis about the permitting process that is taking place. Procedures for modifying permits at the remedy selection stage, for example, provide similar opportunities for public involvement.

Remedy selection through the permitting process offers public notice and comment opportunities like those in the development of a Superfund Record of Decision. Public participation requirements are also included in a RCRA corrective action order, the amount depending on the circumstances. At a minimum, the public has the opportunity to comment on the corrective measure EPA proposes; EPA considers and responds to all comments received on the corrective measure, and may change the corrective measure in response to public comment. Requirements for additional public involvement, such as public meetings, may be included in the order based on public interest.

#### *VLC. General Policy Comments/ Suggestions*

Two commenters stated that to obtain maximum cleanup, EPA should use both RCRA and CERCLA authorities. The commenters believe there will be some instances when one law or the other will be more effective.

The Agency agrees. In general, the NPL/RCRA policy considers which authority is likely to most expeditiously accomplish cleanup, while using the Fund's limited resources as efficiently as possible. If a CERCLA section 106 enforcement action requiring cleanup has been initiated, and a RCRA permit is to be issued to the facility, the Agency may choose to continue these actions under CERCLA. In such cases, the CERCLA cleanup undertaken by the responsible parties would be considered in the RCRA permit proceedings, and the Agency would take steps to avoid inconsistent cleanup actions under RCRA sections 3004(u) at the affected portion of the facility.

One commenter argued that the use of RCRA or CERCLA should not depend upon the solvency of the owners or operators of a site.



The Agency disagrees. RCRA Subtitle C authorities make owner/operators liable for cleanup of most hazardous waste releases. The Agency has simply decided, as a matter of policy, that where the owner/operator is unable to pay for cleanup (e.g., has invoked the protection of the bankruptcy laws), the Agency should list the RCRA-regulated facility and thereby make Superfund moneys available for possible remedial action.

A number of commenters suggested the Agency should defer the listing of RCRA facilities if corrective action is being implemented under other authorities, or is being pursued voluntarily by the owner/operator. Commenters stated that EPA should defer the listing of sites being addressed under CERCLA section 106 enforcement orders, or sites being addressed under State authorities (regardless of whether State programs are RCRA authorized). One commenter argued that listing RCRA sites already being addressed by State agencies discourages owner/operators from cooperating with State authorities since EPA may supplant State enforcement efforts. According to the commenter, for sites with well-advanced remedial action programs under State authorities, a shift to CERCLA would result in a delay and a duplication of effort.

In response, the Agency at present defers to a limited number of authorities, including RCRA Subtitle C. In the proposed revisions to the NCP, the Agency has solicited comment on a policy to expand deferral to include deferral to other Federal and State authorities (53 FR 51415, December 21, 1988); however, that policy is not currently in effect. The Agency has committed not to implement any part of the expanded deferral approach until the public and Congressional concerns have been fully reviewed and analyzed and a decision reached on whether or not to implement such a policy.

The Agency does not agree that its NPL/RCRA policy results in EPA supplanting State enforcement efforts. Before a CERCLA RI/FS is begun at a site (often after listing), a State or voluntary action may proceed unencumbered. Even after an RI/FS is underway, EPA may allow a PRP to go forward with voluntary or State-ordered remedial actions, pursuant to CERCLA section 122(e)(6) (see 54 FR 10520, March 13, 1989). Even if a PRP is not authorized to go forward with non-CERCLA remedial actions, the Agency will consider the work accomplished; thus, actions under State law will not have been wasted. However, if EPA finds that

remedial action under CERCLA is still necessary, then the cleanup standards of CERCLA section 121 must be met.

Several commenters argued that shifts of responsibility from one program to the other (RCRA or CERCLA) may result in counterproductive changes in oversight personnel, duplication of administrative effort, and ultimately, delays in cleanup of sites. Commenters expressed particular concern about programmatic shifts at sites in the latter stages of a remedial effort, at sites undergoing an RI/FS, and at sites with multiple PRPs.

In response, the Agency generally prefers to apply RCRA authorities at RCRA sites, and has developed the NPL/RCRA policy to avoid duplication and delays. In addition, EPA will ensure that actions undertaken by one program will be adopted by the other program if programmatic responsibility shifts. One of the Agency's primary objectives in the development of the RCRA corrective action regulations is to achieve substantive consistency with the remedial program under CERCLA. CERCLA section 104 or section 106 enforcement orders for remedial activities can be referenced in a RCRA permit. In such cases, the Agency would take steps to avoid inconsistent cleanup actions under RCRA section 3004(u) at the affected portion of the facility.

At RCRA sites with many PRPs, EPA may choose to proceed with an enforcement action under CERCLA section 106. Even if the Agency proceeds against the owner/operator alone under RCRA, the owner/operator may seek to recover costs from other PRPs under CERCLA section 107(a)(4)(B); of course, to maintain such an action, the owner/operator would have to show that the costs incurred under RCRA were consistent with the National Contingency Plan.

A number of commenters stated that placing new categories of RCRA sites—such as converter sites—on the NPL will overburden CERCLA resources and increase the possibility that sites on the NPL will not be addressed expeditiously.

In response, after considering the potential impact the NPL/RCRA policy may have, the Agency concluded that the policy will not significantly impact the Trust Fund or jeopardize the timely cleanup of other sites on the NPL.

As noted above, the Agency will consider deferring converter sites if the new prioritizing initiative under RCRA results in their prompt consideration for RCRA corrective action. In addition, the Agency will consider deferring individual converter sites that have

agreed to corrective action under a RCRA permit or order. Similarly, where it appears that certain late filers or pre-HSWA permittees sites will be cleaned up under RCRA, EPA will defer those sites. Finally, even where RCRA sites have been placed on the final NPL, the proposed revisions to the NCP consider deleting such sites for corrective action under RCRA in certain prescribed circumstances (see 53 FR 51421, December 21, 1988).

Two commenters opposed including new categories of RCRA sites in the NPL/RCRA policy. According to one commenter, EPA has departed from its established policy to place on the NPL only those RCRA sites where the owner/operator is unwilling or financially unable to implement the remedy. The commenter argues that EPA has improperly expanded the listing policy to include RCRA sites where RCRA will produce a cleanup. The commenter suggests making the categories no more than rebuttable presumptions for listing.

EPA disagrees with the commenter's suggestion that the Agency acted improperly. The NPL/RCRA policy is, as its name suggests, simply a general statement of policy, issued to advise the public of how the Agency intends to exercise a discretionary power. The Agency is free to decide to change that policy, as it did here, and advise the public of that change (53 FR 23978, June 24, 1988). Indeed, as with any policy, the Agency can exercise its discretion as to whether to apply the policy at all in specific cases (Davis, *Administrative Law Treatise*, section 7:5 (Supp. 1982)).

EPA's June 1988 decision to list—that is, not defer from listing—four new categories of RCRA sites was not inconsistent with the Agency's prior policy on the deferral and listing of RCRA sites; rather it was an expansion of the existing policy. Initially, the Agency decided to defer listing for sites already regulated under RCRA, in order to avoid duplicative actions, maximize the number of cleanups, and help preserve the Trust Fund. The Agency did, however, state that it would list RCRA sites if expeditious cleanup appeared to be unlikely under RCRA, such as when an owner/operator proved to be unwilling or unable to take corrective action EPA deemed necessary (51 FR 21057, June 10, 1986).

Over time, the Agency has developed more experience with the RCRA deferral program and with RCRA cleanups at sites deferred from the NPL. EPA has determined that prompt corrective action under RCRA is not likely when a RCRA owner/operator is unwilling or

unable to pay, a protective filer, a non- or late filer, a converter, or a pre-HSWA permittee. Just as unwillingness is not a requirement for demonstrating inability, neither is it a requirement for demonstrating non-filer or converter status. The rationale for listing the new categories is to capture all potential types of sites that are unlikely to be cleaned up expeditiously under RCRA; the policy does not infer unwillingness on the part of the owner/operator. Converters, non- or late filers, and pre-HSWA permittees, while technically within RCRA jurisdiction, are not likely to be addressed promptly by RCRA. Non-filers generally remain outside the legal cognizance of RCRA, and therefore lack the institutional mechanisms necessary to assure prompt compliance with the standards and goals of RCRA. (If a non- or late filer comes within the RCRA system and demonstrates a history of compliance with RCRA regulations, the Agency may decide to defer listing). Converters, while within the legal purview of RCRA, are not routinely reviewed under Subtitle C because of the current priorities of the RCRA corrective action program. Finally, the Agency does not have the authority to modify pre-HSWA permits to include RCRA corrective action under RCRA section 3004(u) until the permit is reissued; therefore, it could be 1994 before the Agency could reissue some permits to include corrective action.

The Agency agrees with the commenter that RCRA sites may be listed under the new criteria even if there is no express finding of unwillingness. The new categories are not subsets of the unwillingness exception to the NPL/RCRA policy. Rather, these categories are situations where cleanups are not progressing expeditiously under RCRA, making it appropriate to provide the option of spending CERCLA funds for remedial action.

The commenter's suggestion that the four categories be made no more than "rebuttable presumptions" for listing is largely addressed by the policy. The Agency has stated that, in general, it will not defer non- or late filers, although it will consider deferring a site with a history of RCRA compliance such that the Agency has confidence that it will be addressed under RCRA. Similarly, RCRA sites with pre-HSWA permits will be deferred if the permittee agrees to reissuance of the permit, with corrective action provisions included. As for converters, EPA will consider deferring individual converter sites that have agreed to corrective action under a RCRA unilateral or consent corrective

action order, and the Agency will reconsider its general policy for listing converters if it finds that converters are being addressed promptly under RCRA (53 FR 23981, June 24, 1988). The Agency does not have authority to compel RCRA corrective action in the case of protective filers.

One commenter requested adding a listing criterion for sites being addressed as part of a basin-wide scheme under CERCLA.

The response, EPA does not intend to add such a criterion. Under the present policy, the Agency has mechanisms for accomplishing comprehensive remedies at such sites without placing them on the NPL (not listing a site limits only the availability of Fund financing for remedial action). Area-wide contamination involving RCRA and CERCLA units may be addressed under: (1) an area-wide CERCLA section 106 order or (2) a hybrid of RCRA and CERCLA authorities, with RCRA addressing the surface cleanup of RCRA units, CERCLA addressing the surface cleanup of CERCLA units, and CERCLA addressing the cleanup of overlapping ground water contamination (with the RCRA owner/operator as a potentially responsible party). In either case, the Agency may also choose to do one comprehensive RI/FS study of the area under its CERCLA removal authority (54 FR 13298, March 31, 1989).

One commenter stated that the decision on which authority to use should be made after the site is placed on the final NPL. According to the commenter, placement of a site on the NPL does not bind either EPA or owner/operators and PRPs to address the site under RCRA or CERCLA, and allows EPA to use enforcement authorities RCRA does not have, if necessary.

In response, it is true that placing a site on the NPL does not force the Agency to use CERCLA authorities, or CERCLA authorities alone. The Agency is free to use CERCLA and/or any other authorities that apply to the site in question. The converse is also true—EPA can use CERCLA removal and enforcement authorities at NPL and non-NPL sites. The NPL serves primarily as a management tool for the Agency in setting priorities under CERCLA, especially for use of the Trust Fund. The NPL/RCRA policy is one tool in this prioritization process; its goal is to maximize the overall number of site cleanups by using RCRA corrective action authorities where available and likely to result in expeditious cleanup, thus preserving CERCLA resources for other sites. The Agency believes that RCRA owner/operators should finance

cleanups at their facilities. If, however, the owner/operator is unwilling or unable to finance cleanup, or the facility is outside the RCRA regulatory system (a non-filer), the Agency has established criteria for the listing of these sites.

The commenter stated it would be poor policy to transfer sites from CERCLA to RCRA at the end of the Reagan Administration. The commenter believes the new Administration should reassess the policy.

In response, this rule has been reviewed by and signed by the current Administration. The NPL/RCRA policy is being continued, subject to periodic review.

#### *V.I.d. Non- or Late Filers*

The commenter argued that the decision to list a non- or late filer should be based on the facility's history of compliance with RCRA. The commenter added that the Agency should assure that sites that filed a part A permit application late, or not at all, but that have subsequently made an effort to comply with RCRA regulations, will be deferred from the NPL. According to the commenter, potential buyers of non- or late filer facilities will be inhibited from buying these facilities (and cleaning them up) because of the possibility of listing.

In response, EPA deliberately stated that it "will consider" deferring certain non- or late filers, because the Agency does not wish to imply that deferral is automatic. The Agency will consider for deferral any non- or late filer facility that has come within the RCRA system and demonstrated a history of compliance with RCRA regulations. The Agency does not believe that its determination of the adequacy of a non- or late filer's effort to comply with RCRA regulations will inhibit a potential sale. A non- or late filer that complies with the appropriate RCRA regulations and actively pursues corrective action under RCRA (through a permit or order) will generally be seen as a good candidate for deferral.

The commenter stated that non- or late filing often results from ignorance of regulatory requirements, and that placing a site on the NPL should therefore be based on willingness, not history of RCRA compliance.

In response, non- or late filers are not subsets of the unwillingness exception to the RCRA deferral policy. Rather, the Agency has identified this and two other categories as situations where cleanups may not progress expeditiously under RCRA, and thus EPA wants the option of spending CERCLA funds for remedial action. The decision to add a non- or

late filer site to the NPL is generally based on the fact that no timely permit application has been made, and thus adequate regulatory mechanisms (e.g., ground water monitoring programs, compliance inspections, and closure requirements) may not be in place to assure prompt compliance with the standards and goals of the RCRA program. Because of RCRA program priorities, the Agency may not always be able to immediately address a non- or late filer that is suddenly willing to be addressed under RCRA authorities. The Agency believes that in most cases it is in the best interest of environmental protection to make CERCLA funds available at such sites.

#### *VI.e. Converters*

One commenter supported the proposed policy to list converters but suggested that the policy should include facilities that submitted part A permit applications under RCRA and did not actively pursue part B permits and/or whose operations no longer demand a part B permit. The commenter refers to these sites as "de facto" converters and believes they should be treated the same as generators.

In response, converters are facilities that at one time treated or stored RCRA subtitle C hazardous waste but have since converted to generator-only status (i.e., facilities that now store hazardous waste for 90 days or less, an activity for which interim status is not required). The sites described by the commenter will be considered converters only if there is documentation of conversion and the Agency agrees that the sites are appropriate for the NPL.

The Agency does not believe that converters should receive the same treatment as generators with regard to the NPL. The Agency does not have corrective action authority under RCRA subtitle C to compel cleanup at generator-only facilities, and thus deferral to RCRA for corrective action would be inappropriate. By contrast, the Agency can, under subtitle C, compel corrective action at converter facilities; however, because of current priorities in the RCRA program, the Agency believes converter facilities should be placed on the NPL to ensure prompt corrective action.

Some of the facilities described by the commenter may also be protective filers; that is, they filed a Part A permit application as a precautionary measure only and did not pursue a Part B permit. If a facility did in fact file for interim status protectively, listing may be appropriate under this policy.

Several commenters suggested that the policy for listing converters unfairly

penalizes owner/operators that take environmentally responsible actions to close waste handling activities and convert to generators status. The commenter stated that the policy would inhibit owner/operators from reducing their hazardous waste activities, because if they converted to generator status they might be placed on the NPL as a converter.

In response, the Agency does not list a RCRA site solely on the basis of a its decision to discontinue treatment or storage activities. A site must receive an HRS score equal to or higher than the cutoff score to be placed on the NPL. The Agency believes it unlikely that, to avoid listing, a facility owner/operator would choose to retain treatment or storage status, which means the site remains subject to all RCRA requirements, including cleanup under RCRA corrective action authorities. In addition, it is unlikely and owner/operator will incur the cost of RCRA permitting and/or oversight merely to avoid listing. Finally, if a converter agrees to corrective action under RCRA, the Agency will generally defer the listing of such a site.

One commenter opposed the listing of converters, arguing that the Agency should use RCRA section 3008(h) corrective action authorities at such facilities. According to the commenter, the RCRA program should prioritize and allocate its resources to address any sites, including converters, that may need corrective action.

The Agency believes that under RCRA section 3008(h) it can compel corrective action at converter facilities. Nonetheless, the Agency has decided, as a matter of policy, to list converters since EPA has not routinely reviewed converters under RCRA subtitle C, and the Agency believes it can ensure expeditious remedial action at these sites if they are placed on the NPL. The EPA is currently prioritizing RCRA facilities for corrective action. If the Agency determines that converter sites will be addressed in an expeditious manner by RCRA authorities, then it will reconsider the policy to list converters.

Moreover, where a converter has agreed to corrective action such as under a RCRA section 3008(h) order, the Agency will generally defer listing such sites and allow RCRA to continue to address the contamination problems at the site.

#### *VI.f. Protective Filers*

Two commenters agreed with EPA's conclusion that the Agency does not have the authority to compel cleanup of protective filers under RCRA subtitle C

corrective action authorities. One commenter suggested RCRA section 7003 authorities as an alternative to CERCLA authorities when an "imminent and substantial endangerment" exists.

In response, since the beginning of the NPL, EPA's clear policy has been to defer the listing of RCRA sites where the regulatory authorities of RCRA subtitle C apply. For example, on September 8, 1983 (48 FR 40662), the Agency stated: "where a site consists of regulated units of a RCRA facility operating pursuant to a permit or interim status, it will not be included on the NPL" (48 FR 40662). The Agency explained that the Hazardous Waste Management Regulations (40 CFR 260-265) give EPA and the states authority to control sites through a broad program which includes monitoring, compliance inspections, penalties for violations, and requirements for post-closure plans and financial responsibility.

The passage of HSWA, in 1984, expanded RCRA's corrective action authorities under subtitle C even further, and the scope of the RCRA deferral policy was correspondingly expanded. The deferral policy was thus based on a determination that in most cases, hazardous waste treatment, storage and disposal facilities would be managed and permitted (or closed) under an ongoing RCRA regulatory system, and that in most appropriate cases, contamination would be cleaned up.

EPA did not, in its NPL/RCRA policy, propose to defer sites if a RCRA section 7003 enforcement action could potentially be taken. Unlike the provisions of RCRA subtitle C, which set up an on-going program for the management of hazardous wastes, section 7003 provides authority for the Agency to take enforcement actions in extraordinary cases where "the past or present handling, storage, treatment, transportation or disposal of any solid waste or hazardous waste may present an imminent or substantial endangerment to health or the environment." Although limited to cases involving imminent and substantial endangerment, section 7003 is sweeping at the same time. It applies to past RCRA owners as well as present owner/operators, and it applies to all facilities that handle "solid" (nonhazardous) wastes; solid waste facilities are not required to have RCRA subtitle C permits or interim status. EPA has determined that it would not be appropriate to defer listing RCRA sites (and solid waste sites) to section 7003 simply because that section might provide a means of addressing contamination problems. Rather, EPA



has limited deferral to cases where the subtitle C regulatory program is in place, and prompt corrective action appears likely.

#### *VI.g. Pre-HSWA Permittees*

Several commenters opposed listing pre-HSWA permittees because they believe Congress intended that pre-HSWA permitted facilities be addressed under RCRA. The commenters stated that EPA has authority under RCRA section 3005(c)(3) to modify a permit at any time to comply with currently applicable RCRA regulations, including corrective action, and under RCRA section 7003 to require cleanup if an "imminent and substantial endangerment" exists. The commenters believe that listing pre-HSWA permittees would circumvent Congressional intent and burden Superfund. One commenter added that the Agency's requirement that a facility with a final RCRA permit "consent" to a modification of its pre-HSWA permit, including corrective action requirements to avoid listing, constitutes an abuse of Agency authority.

In response, RCRA section 3005(c)(3), which states "Nothing in this subsection shall preclude the Administrator from reviewing and modifying a permit at any time during its term," merely preserved preexisting authority to modify permits. However, facility-wide corrective action at RCRA facilities applies only when the permit is issued or reissued. Section 3004(u), the facility-wide corrective action authority, requires such corrective action only for permits "issued" after 1984. Under EPA regulations, a "modification" is significantly different from a permit issuance. Modification of a pre-HSWA permit does not trigger 3004(u) corrective action; the permit must be reissued to include facility-wide corrective action.

Because the Agency lacks authority to address pre-HSWA permittees through RCRA section 3004(u) until permit reissuance, there is no immediate mechanism to require corrective action at pre-HSWA permitted facilities. As EPA explained on June 24, 1988 (53 FR 23978), many pre-HSWA permits were issued for 10 years, and the last pre-HSWA permit was issued in 1984. Thus, it could be 1994 before the Agency can reissue all pre-HSWA permits to include facility-wide corrective action. The Agency is proposing that facilities with pre-HSWA permits be considered for the NPL in order to assure expeditious corrective action at the site.

The Agency disagrees that allowing a pre-HSWA permittee to consent to modification of its permit rather than to

be placed on the NPL is an "abuse of authority." Allowing a pre-HSWA permittee to consent to reissuance of its pre-HSWA permit to include 3004(u) corrective action rather than be placed on the NPL gives the opportunity to clean up under RCRA if the permittee chooses to do so.

#### *VI.h. Application Of Unwillingness Policy*

Several commenters asserted that sites proposed for the NPL based on the case-by-case unwillingness criteria of June 10, 1986 (51 FR 21057) should be re-examined under the revised criteria of August 9, 1988 (53 FR 30005).

In response, the Agency specifically stated that the new criteria should be applied prospectively only, and that it would be unnecessary and inappropriate to devote CERCLA resources to an additional review of unwillingness determinations that were properly made under a case-by-case determination (53 FR 30007).

Prior to the August 1988 policy, EPA listed RCRA sites as "unwilling" after a detailed case-by-case review that required considerable time and resources, and generated long support documents. To simplify the process and make it easier to understand, the Agency laid out objective criteria that would be simple to apply (53 FR 30005, August 9, 1988). In doing so, the Agency was not suggesting that prior determinations were somehow insufficient or incorrect; indeed, EPA believes that its case-by-case determinations were appropriate, and fully in line with the goals of the NPL/RCRA policy. Rather, the new criteria reflect an effort to replace the flexible, and case-specific requirements of the past with more standardized documentation requirements in the future; the substantive goals of the policy are not changed. Thus, the issuance of the new standardized criteria for the future did not warrant a reassessment of sites already proposed for the NPL based on thorough, past unwillingness determinations.

The Agency chose to apply the new criteria prospectively to give EPA Regions and States enough lead time to understand the new requirements and prepare appropriate listing packages. For instance, the Regions or States may issue a specific RCRA corrective action order to demonstrate unwillingness even if other indicators of unwillingness are available. Applying the new criteria to already-proposed sites might require issuing additional orders fruitlessly if the owner/operator has already shown unwillingness, and listing would be significantly delayed, contrary to

Congressional intent that EPA expeditiously list sites.

In any event, listing does not mean that remedial action will be taken; it only makes the site eligible for Fund-financed remedial action, should that prove necessary. Thus, the significance of the listing decision is limited. As the U.S. Court of Appeals for the D.C. Circuit noted in *City of Stoughton, Wisconsin v. EPA*, "the NPL is simply a rough list of priorities, assembled quickly and inexpensively to comply with Congress' mandate for the Agency to take action straightaway." (858 F.2d 747, 751 (D.C. Cir. 1988)). It is both reasonable and appropriate for EPA to limit the resources it expends on the determination of which of its statutes—RCRA or CERCLA—should have primary responsibility for securing needed corrective action.

One commenter suggested that the unwillingness policy rewards recalcitrance under RCRA, since if the owner/operator ignores RCRA obligations, and the site is placed on the NPL, EPA will find PRPs and engage in cost recovery efforts. The unwilling owner/operator has fewer transactional and administrative costs and a smaller share of cleanup costs.

In response, the Agency believes it is not advantageous for owner/operators to ignore their RCRA obligations. If an owner/operator does not comply with RCRA regulations, the Agency can pursue both RCRA and CERCLA enforcement authorities. RCRA corrective action orders can contain penalties of up to \$25,000 per day of noncompliance and can result in a suspension or revocation of the facility's permit or interim status. EPA can also use CERCLA section 106 authorities and subsequently recover any cost incurred. EPA does not believe the policy rewards recalcitrance; the policy is designed to provide a framework for most effectively addressing releases that may affect public health and the environment.

One commenter believes that sites where owner/operators show unwillingness to cooperate with State-issued cleanup orders, actions, or permit conditions should be listed.

EPA agrees. The Agency's stated policy is list RCRA sites where the owner/operator has been found to be unwilling to perform corrective action. The August 9, 1988 (53 FR 30005) policy statement includes certain objective criteria (for prospective application) for determining unwillingness by RCRA owner/operators. The policy generally defines unwillingness as noncompliance with corrective actions directed by a

State or Federal authority pursuant to a RCRA order or permit, an administrative or judicial order, or a consent decree.

#### VII. Disposition of Sites in Today's Final Rule

This final rule adds 23 sites to the final NPL; a list of these sites is at the end of this rule. This rule also drops 27 sites from the proposed NPL (Table 1). The June 24, 1988 notice addressed 39 of these sites, which were originally proposed in the following NPL updates:

- Update #1 (48 FR 40674, September 8, 1983)
- Update #2 (49 FR 40320, October 15, 1984)
- Update #3 (50 FR 14115, April 10, 1985)
- Update #4 (50 FR 37950, September 18, 1985)

The remaining 11 sites were proposed in NPL Update #7 (53 FR 23988, June 24, 1988) and Update #8 (54 FR 19526, May

5, 1989), based on the NPL/RCRA policy. Nine of the proposed Update #7 sites received no comments and are being listed; one of the proposed Update #7 sites is being dropped because it is no longer bankrupt and therefore, no longer meets the criteria for listing under the NPL/RCRA policy. One of the Update #8 sites received no comments and is being listed. EPA has not reached a decision on four other sites that were proposed to be dropped from the NPL on June 24, 1988. These sites will remain proposed for the NPL. They are:

- Fairchild Semiconductor Corp., (Mountain View Plant), Mountain View, CA
- Chemplex Co., Clinton/Camanche, IA
- Findett Corp., St. Charles, MO
- Burlington Northern Railroad (Somers Tie-Treating Plant), Somers, MT

All comments submitted after the close of the comment periods associated with the rules proposing these sites were considered for this final rule. EPA has revised the HRS scores for 5 sites based on its review of comments and additional information developed by EPA and the States (Table 2). None of the score changes has resulted in scores below the cut-off of 28.5. Some of the changes have placed the sites in different groups of 50 sites. The Agency's response to site-specific public comments and explanations of any score changes made as a result of such comments are addressed in the "Support Document for the Revised National Priorities List—Final Rule Covering Sites Subject to the Subtitle C Corrective Action Authorities of the Resource Conservation and Recovery Act, October, 1989."

TABLE 1.—RCRA SITES DROPPED FROM PROPOSED NPL

State/Site name	Location	Date proposed
CA: FMC Corp. (Fresno Plant)	Fresno	10/15/84
CA: Hewlett-Packard	Palo Alto	10/15/84
CA: IBM Corp. (San Jose Plant)	San Jose	10/15/84
CA: Kaiser Steel Corp. (Fontana Plant)	Fontana	06/24/88
CA: Marley Cooling Tower Co.	Stockton	10/15/84
CA: Rhone-Poulenc, Inc./Zoecon Corp.	East Palo Alto	10/15/84
CA: Signetics, Inc.	Sunnyvale	10/15/84
CA: Southern Pacific Transportation Co.	Roseville	10/15/84
CA: Van Waters & Rogers Inc.	San Jose	10/15/84
CO: Martin Marietta (Denver Aerospace)	Waterton	09/18/85
FL: Pratt & Whitney Aircraft/United Technologies Corp.	West Palm Beach	09/18/85
GA: Olin Corp. (Areas 1, 2 & 4)	Augusta	09/08/83
IA: A.Y. McDonald Industries, Inc.	Dubuque	09/18/85
IA: Frit Industries (Humboldt Plant)	Humboldt	04/10/85
IA: John Deere (Dubuque Works)	Dubuque	09/18/85
IA: U.S. Nameplate Co.	Mount Vernon	10/15/84
IL: Sheffield (U.S. Ecology, Inc.)	Sheffield	10/15/84
IN: Firestone Industrial Products Co.	Noblesville	09/18/85
KS: National Industrial Environmental Services	Furley	10/15/84
MI: Hooker (Montague Plant)	Montague	09/18/85
MI: Lacks Industries, Inc.	Grand Rapids	10/15/84
NE: Monroe Auto Equipment Co.	Cozad	09/18/85
NJ: Matlack, Inc.	Woolwich Township	09/18/85
OH: General Electric Co. (Coshocton Plant)	Coshocton	10/15/84
PA: Rohm & Haas Co. Landfill	Bristol Township	04/10/85
VA: IBM Corp. (Manassas Plant Spill)	Manassas	10/15/84
WV: Mobay Chemical Corp. (New Martinsville Plant)	New Martinsville	10/15/84

TABLE 2.—SITES WITH HRS SCORE CHANGES

State/Site name	City/County	Proposed	Final
CA: Fairchild Semiconductor (South San Jose)	San Jose	37.79	44.46
IN: Prestolite Battery Division	Vincennes	37.54	40.63
ME: Union Chemical Co., Inc.	South Hope	30.78	32.11
MO: Conservation Chemical Co.	Kansas City	29.99	29.85
NC: National Starch & Chemical Corp.	Salisbury	31.94	46.51

#### VIII. Disposition of all Proposed Sites/ Federal Facility Sites

To date, EPA has proposed nine major updates to the NPL, as well as a special update of two sites. A total of 213 sites remain proposed (Table 3). At this time,

150 sites and 63 Federal facility sites continue to be proposed pending completion of response to comments, resolution of technical issues, and various policy issues.

All sites that remain proposed will be considered for future final rules. Although EPA has in the past considered late comments on proposed sites to the extent practicable, it may not be able to do so in the future.



TABLE 3.—NPL PROPOSALS

Update-No.	Date/Federal Register Citation	Number of sites/Federal facility sites	
		Proposed	Remaining proposed
1.....	9/8/83; 48 FR 40674.....	132/1	1/0
2.....	10/15/84; 49 FR 40320.....	208/36	17/3
3.....	4/10/85; 50 FR 14115.....	26/6	0/1
4.....	9/18/85; 50 FR 37950.....	38/3	1/2
5.....	6/10/86; 51 FR 21099.....	43/2	8/0
6.....	1/22/87; 52 FR 2492.....	63/1	13/0
7.....	6/24/88; 53 FR 23988.....	215/14	103/5
8.....	5/5/89; 54 FR 19526.....	10/0	5/0
9.....	7/14/89; 54 FR 29820.....	0/52	0/52
ATSDR.....	8/16/89; 54 FR 33846.....	2/0	2/0
Total.....		735/115	150/63

**IX. Contents of the NPL**

The NPL, with the Federal facility sites in a separate section, appears as Appendix B to the NCP at the end of the other final rule appearing in today's Federal Register. Sites on the NPL are arranged according to their HRS scores. The 23 new sites added to the NPL in today's rule have been incorporated into the NPL in order of their HRS scores, except where EPA modified the order to reflect top priorities designated by the States, as discussed in section III of this rule.

The NPL is presented in groups of 50 sites to emphasize that minor differences in HRS scores do not necessarily represent significantly different levels of risk. Except for the first group, the score range within the groups, as indicated in the list, is less than 4 points. EPA considers the sites within a group to have approximately the same priority for response actions. For convenience, the sites are numbered.

One site—the Lansdowne Radiation site in Lansdowne, PA—was placed on the NPL because it met the requirements of the NCP at section 300.66(b)(4), as explained in section III of this rule; it has an HRS score of less than 28.50, and appears at the end of the list.

Each entry on the new NPL and Federal section contains the name of the facility and the State and city or county in which it is located. In the past, each entry was accompanied by one or more notations reflecting the status of response and cleanup activities at the site at the time this list was prepared. EPA is developing a report summarizing response activities at NPL sites. In the interim, information on activities at the new proposed sites is available upon request to the appropriate Regional Office.

**X. Regulatory Impact Analysis**

The costs of cleanup actions that may be taken at sites are not directly

attributable to placement on the NPL, as explained below. Therefore, the Agency has determined that this rulemaking is not a "major" regulation under Executive Order 12291. EPA has conducted a preliminary analysis of economic implications of today's amendment to the NCP. EPA believes that the kinds of economic effects associated with this revision are generally similar to those effects identified in the following: the regulatory impact analysis (RIA) prepared in 1982 for the revisions to the NCP, the economic analysis prepared when amendments to the NCP were proposed (50 FR 5882, February 12, 1985), and the economic analysis prepared for the NCP proposed revisions of December 21, 1988 (53 FR 51471). The Agency believes the anticipated economic effects related to adding 23 sites to the NPL can be characterized in terms of the conclusions of the earlier RIA and the most recent economic analysis. This rule was submitted to the Office of Management and Budget for review as requested by Executive Order 12291.

**Costs**

EPA has determined that this rulemaking is not a "major" regulation under Executive Order 12291 because inclusion of a site on the NPL does not itself impose any costs. It does not establish that EPA will necessarily undertake remedial action, nor does it require any section by a private party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. Nonetheless, it is useful to consider the costs associated with responding to all sites included in this rulemaking.

The major events that follow the proposed listing of a site on the NPL are a search for potentially responsible parties and a remedial investigation/

feasibility study (RI/FS) to determine if remedial actions will be undertaken at a site. Design and construction of the selected remedial alternative follow completion of the RI/FS, and operation and maintenance (O&M) activities may continue after construction has been completed.

EPA initially bears costs associated with responsible party searches. Responsible parties may bear some or all the costs of the RI/FS, remedial design and construction, and O&M, or EPA and the States may share costs.

The State cost share for site cleanup activities has been amended by section 104 of SARA. For privately-owned sites, as well as at publicly-owned but not publicly-operated sites, EPA will pay for 100% of the costs of the RI/FS and remedial planning, and 90% of the costs associated with remedial action. The State will be responsible for 10% of the remedial action. For publicly-operated sites, the State cost share is at least 50% of all response costs at the site, including the RI/FS and remedial design and construction of the remedial of the remedial action selected. After the remedy is built, costs fall into two categories:

- For restoration of ground water and surface water, EPA will share in startup costs according to the criteria in the previous paragraph for 10 years or until a sufficient level of protectiveness is achieved before the end of 10 years.
- For other cleanups, EPA will share for up to 1 year the cost of that portion of response needed to assure that a remedy is operational and functional. After that, the State assumes full responsibilities for O&M.

In previous NPL rulemakings, the Agency estimated the costs associated with these activities (RI/FS, remedial design, remedial action, and O&M) on an average per site and total cost basis. EPA will continue with this approach, using the most recent (1988) cost estimates available; these estimates are presented below. However, there is

wide variation in costs for individual sites, depending on the amount, type, and extent of contamination. Additionally, EPA is unable to predict what portions of the total costs responsible parties will bear, since the distribution of costs depends on the extent of voluntary and negotiated response and the success of any cost-recovery actions.

Cost category	Average total cost per site <sup>a</sup>
RI/FS.....	1,100,000
Remedial design.....	750,000
Remedial action.....	<sup>b</sup> 13,500,000
Net present value of O&M <sup>c</sup> .....	3,770,000

<sup>a</sup> 1988 U.S. dollars.

<sup>b</sup> Includes State cost-share.

<sup>c</sup> Assumes cost of O&M over 30 years, \$400,000 for the first year and 10% discount rate.

Source: Office of Program Management, Office of Emergency and Remedial Response, U.S. EPA.

Costs to States associated with today's final rule arise from the required State cost-share of: (1) 10% of remedial actions and 10% of first-year O&M costs to privately-owned sites and sites which are publicly-owned but not publicly-operated; and (2) at least 50% of the remedial planning (RI/FS and remedial design), remedial action, and first-year O&M costs at publicly-operated sites. States will assume the cost for O&M after EPA's period for participation. Using the assumptions developed in the 1982 RIA for the NCP, EPA has assumed that 90% of the sites added to the NPL in this rule will be privately-owned and 10% will be State- or locally-operated. Therefore, using the budget projections presented above, the cost to States of undertaking Federal remedial planning and actions, but excluding O&M costs, would be approximately \$59 million. State O&M costs cannot be accurately determined because EPA, as noted above, will share O&M costs for up to 10 years for restoration of ground water and surface water, and it is not known how many sites will require this treatment and for how long. However, based on past experience, EPA believes a reasonable estimate is that it will share startup costs for up to 10 years at 25 percent of sites. Using this estimate, State O&M costs would be approximately \$66 million.

Placing a hazardous waste site on the final NPL does not itself cause firms responsible for the site to bear costs. Nonetheless, a listing may induce firms to clean up the sites voluntarily, or it may act as a potential trigger for subsequent enforcement or cost-recovery actions. Such actions may

impose costs on firms, but the decisions to take such actions are discretionary and made on a case-by-case basis. Consequently, precise estimates of these effects cannot be made. EPA does not believe that every site will be cleaned up by a responsible party. EPA cannot project at this time which firms or industry sectors will bear specific portions of the response costs, but the Agency considers: the volume and nature of the waste at the sites; the strength of the evidence linking the wastes at the site to the parties; the parties' ability to pay; and other factors when deciding whether and how to proceed against the parties.

Economy-wide effects of this amendment are aggregations of effects on firms and State and local governments. Although effects could be felt by some individual firms and States, the total impact of this revision on output, prices, and employment is expected to be negligible at the national level.

#### Benefits

The real benefits associated with today's amendment placing additional sites on the NPL are increased health and environmental protection as a result of increased public awareness of potential hazards. In addition to the potential for more Federally-financed remedial actions, expansion of the NPL could accelerate privately-financed, voluntary cleanup efforts. Listing sites as national priority targets may also give States increased support for funding responses at particular sites.

As a result of the additional CERCLA remedies, there will be lower exposure to high-risk chemicals, and higher-quality surface water, ground water, soil, and air. These benefits are expected to be significant, although difficult to estimate in advance of completing the RI/FS at these sites.

#### XI. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act of 1980 requires EPA to review the impact of this action on small entities or certify that the action will not have a significant impact on a substantial number of small entities. By small entities, the Act refers to small businesses, small government jurisdictions, and nonprofit organizations.

While modifications to the NPL are considered revisions to the NCP, they are not typical regulatory changes since the revisions do not automatically impose costs. The placing of sites on the

NPL does not in itself require any action of any private party, nor does it determine the liability of any party for the cost of cleanup at the site. Further, no identifiable groups are affected as a whole. As a consequence, it is hard to predict impacts on any group. Placing a site on the NPL could increase the likelihood that adverse impacts to responsible parties (in the form of cleanup costs) will occur, but EPA cannot identify the potentially affected business at this time nor estimate the number of small businesses that might be affected.

The Agency does expect that certain industries and firms within industries that have caused a proportionately high percentage of waste site problems could be significantly affected by CERCLA actions. However, EPA does not expect the impact from the listing of these 23 sites to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would only occur through enforcement and cost-recovery actions, which are taken at EPA's discretion on a site-by-site basis. EPA considers many factors when determining what enforcement actions to take, including not only the firm's contribution to the problem, but also the firm's ability to pay.

The impacts (from cost recovery) on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

#### List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: September 26, 1989.

Jonathan Z. Cannon,

Acting Assistant Administrator, Office of Solid Waste & Emergency Response.

#### PART 300—[AMENDED]

40 CFR part 300 is amended as follows:

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9605; 42 U.S.C. 9620; 33 U.S.C. 1321(c)(2); E.O. 11735 (38 FR 21243); E.O. 12580 (52 FR 2923).

2. Appendix B of part 300 is amended by the addition of the sites in the following list. Appendix B is revised elsewhere in today's Federal Register.

## NATIONAL PRIORITIES LIST, NEW FINAL SITES (BY RANK), OCTOBER 1989

NPL		State	Site Name	City/County
Group <sup>1</sup>	Rank			
2	60	NJ	Brook Industrial Park	Bound Brook
3	138	CA	Brown & Bryant, Inc. (Arvin Plant)	Arvin
5	224	NE	Lindsay Manufacturing Co.	Lindsay
6	257	NC	National Starch & Chemical Corp.	Salisbury
6	278	VA	Culpeper Wood Preservers, Inc.	Culpeper
7	310	CA	Fairchild Semiconducts (S. San Jose)	South San Jose
7	315	NY	Tri-Cities Barrel Co., Inc.	Port Crane
8	385	IA	Electro-Coatings, Inc.	Cedar Rapids
9	420	AZ	Motorola, Inc. (52nd Street Plant)	Phoenix
9	424	VA	Buckingham County Landfill	Buckingham
9	429	IN	Prestolite Battery Division	Vincennes
13	639	CA	J.H. Baxter & Co.	Weed
14	661	IL	Ilada Energy Co.	East Cape Girardeau
14	664	TX	Dixie Oil Processors, Inc.	Friendswood
14	678	MI	Kysor Industrial Corp.	Cadillac
14	679	CA	Lorentz Barrel & Drum Co.	San Jose
16	760	ME	Union Chemical Co., Inc.	South Hope
16	765	PA	Recticon/Allied Steel Corp.	East Coventry Twp.
16	772	FL	City Industries, Inc.	Orlando
16	796	NC	Benfield Industries, Inc.	Hazelwood
17	850	WA	American Crossarm & Conduit Co.	Chehalis
18	861	GA	Marzone Inc./Chevron Chemical Co.	Tifton
18	876	MO	Conservation Chemical Co.	Kansas City

\* State top priority site.

<sup>1</sup> Sites are placed in groups corresponding to groups of 50 on the final NPL.  
Number of New Final Sites: 23.

[FR Doc. 89-23338 filed 10-3-89; 8:45 am]

BILLING CODE 6560-50-M

**ENVIRONMENTAL PROTECTION  
AGENCY****40 CFR Part 300**

[FRL 3655-6]

**National Priorities List for  
Uncontrolled Hazardous Waste Sites—  
Final Rule 10/04/89****AGENCY:** Environmental Protection  
Agency.**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency ("EPA") is amending the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR Part 300, which was promulgated on July 16, 1982, pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"). CERCLA has since been amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA") and is implemented by Executive Order 12580 (52 FR 2923, January 29, 1987). CERCLA requires that the NCP include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States, and that the list be revised at least annually. The National Priorities List ("NPL"), initially promulgated as Appendix B of the NCP

on September 8, 1983 (48 FR 40658), constitutes this list and is being revised today by the addition of 70 sites, including 11 Federal facility sites. Based on a review of public comments on these sites, EPA has decided that they meet the eligibility requirements of the NPL and are consistent with the Agency's listing policies. In addition, today's action removes four sites from the proposed NPL. Information supporting these actions is contained in the Superfund Public Dockets.

Elsewhere in this Federal Register is another final rule that adds 23 sites to the NPL that meet EPA's eligibility requirements and listing policies and removes 27 sites from the proposed NPL that do not, at this time, appear to come within the categories of Resource Conservation and Recovery Act ("RCRA") facilities that EPA considers appropriate for the NPL.

These two rules result in a final NPL of 981 sites, 52 of them in the Federal section; 213 sites are proposed to the NPL, 63 of them in the Federal section. Final and proposed sites now total 1,194.

**EFFECTIVE DATE:** The effective date for this amendment to the NCP shall be November 3, 1989. CERCLA section 305 provides for a legislative veto of regulations promulgated under CERCLA. Although *INS v. Chadha* 462 U.S. 919, 103 S. Ct. 2764 (1983), cast the validity of the legislative veto into question, EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives. If any action by Congress calls the

effective date of this regulation into question, the Agency will publish a notice of clarification in the Federal Register.

**ADDRESSES:** Addresses for the Headquarters and Regional dockets follow. For further details on what these dockets contain, see Section I of the "Supplementary Information" portion of this preamble.

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Washington, DC, metropolitan area).

**SUPPLEMENTARY INFORMATION:**

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**I. Introduction**

**Background**

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. sections 9601-9657 ("CERCLA" or the "Act"), in response to the dangers of uncontrolled or abandoned hazardous waste sites. CERCLA was amended in 1986 by the Superfund Amendments and Reauthorization Act ("SARA"), Public Law No. 99-499, stat. 1613 *et seq.* To implement CERCLA the Environmental Protection Agency ("EPA" or "the Agency") promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR Part 300, on July 16, 1982 (47 FR 31180) pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP, further revised by EPA on September 16, 1985 (50 FR 37624) and November 20, 1985 (50 FR 47912), sets forth guidelines and procedures needed to respond under CERCLA to releases and threatened releases of hazardous substances, pollutants, or contaminants. On December 21, 1988 (53 FR 51394), EPA proposed revisions to the NCP in response to SARA.

Section 105(a)(8)(A) of CERCLA, as amended by SARA, requires that the NCP include "criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action." Removal action involves cleanup or other actions that are taken in response to releases or threats of releases on a short-term or temporary basis (CERCLA section 101(23)). Remedial action tends to be long-term in nature and involves response actions that are consistent with a permanent remedy for a release (CERCLA section 101(24)). Criteria for determining priorities for possible remedial actions financed by the Trust Fund established under CERCLA are included in the Hazard Ranking System ("HRS"), which EPA promulgated as Appendix A of the NCP (47 FR 31219, July 16, 1982).

On December 23, 1988 (53 FR 51962), EPA proposed revisions to the HRS in response to CERCLA section 105(c), added by SARA. EPA intends to issue the revised HRS as soon as possible. However, until EPA has reviewed public comment and the proposed revisions have been put into effect, EPA will continue to propose and promulgate sites using the current HRS, in accordance with CERCLA section 105(c)(1) and Congressional intent, as explained in 54 FR 13299 (March 31, 1989).

Based in large part on the HRS criterion, and pursuant to section 105(a)(8)(B) of CERCLA, as amended by SARA, EPA prepared a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The list, which is Appendix B of the NCP, is the National Priorities List ("NPL"). CERCLA section 105(a)(8)(B) also requires that the NPL be revised at least annually. A site can undergo CERCLA-financed remedial action only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.66(c)(2) and 300.68(a).

An original NPL of 406 sites was promulgated on September 8, 1983 (48 FR 40658). The NPL has since been expanded, most recently on March 31, 1989 (54 FR 13296). The Agency has also published a number of proposed rulemakings to add sites to the NPL, most recently a special update of two sites on August 16, 1989 (54 FR 33846).

EPA may delete sites from the NPL when no further response is appropriate, as provided in the NCP at 40 CFR 300.66(c)(7). To date, the Agency has deleted 28 sites from the final NPL, most

recently on September 22, 1989 (54 FR 38994), when Cecil Lindsey, Newport, Arkansas, was deleted.

This rule adds 70 sites, including 11 Federal facility sites, to the NPL. EPA has carefully considered public comments submitted for the sites in today's final rule and has made some modifications in response to those comments. This rule and the additional final rule published elsewhere in today's Federal Register result in a final NPL of 981 sites, 52 of them in the Federal section; 213 sites are in proposed status, 63 of them in the Federal section. In addition, 31 sites are being dropped from the proposed NPL in the two rules. With these changes, final and proposed sites now total 1,194.

EPA includes on the NPL sites at which there are or have been releases or threatened releases of hazardous substances, pollutants, or contaminants. The discussion below may refer to "releases or threatened releases" simply as "releases", "facilities", or "sites".

**Information Available to the Public**

The Headquarters and Regional public dockets for the NPL (see ADDRESSES portion of this notice) contain documents relating to the evaluation and scoring of sites in this final rule. The dockets are available for viewing "by appointment only" after the appearance of this notice. The hours of operation for the Headquarters docket are from 9:00 a.m. to 4:00 p.m., Monday through Friday excluding Federal holidays. Please contact individual Regional dockets for hours.

The Headquarters docket contains HRS score sheets for each final site; a Documentation Record for each site describing the information used to compute the score; pertinent information for any site affected by special study waste or other requirements, or Resource Conservation and Recovery Act or other listing policies; a list of documents referenced in the Documentation Record; comments received; and the Agency's response to those comments. The Agency's responses are contained in the "Support Document for the Revised National Priorities List—Final Rule 10/04/89."

Each Regional docket includes all information available in the Headquarters docket for sites in that Region, as well as the actual reference documents, which contain the data principally relied upon by EPA in calculating or evaluating the HRS scores for sites in that Region. These reference documents are available only in the Regional dockets. They may be viewed "by appointment only" in the

appropriate Regional Docket or Superfund Branch office. Requests for copies may be directed to the appropriate Regional docket or Superfund Branch.

An informal written request, rather than a formal request, should be the ordinary procedure for obtaining copies of any of these documents.

## II. Purpose and Implementation of the NPL

### Purpose

The primary purpose of the NPL is stated in the legislative history of CERCLA (Report of the Committee on Environment and Public Works, Senate Report No. 96-848, 96th Cong., 2d Sess. 60 (1980)):

The priority lists serve primarily informational purposes, identifying for the States and the public those facilities and sites or other releases which appear to warrant remedial actions. Inclusion of a facility or site on the list does not in itself reflect a judgment of the activities of its owner or operator, it does not require those persons to undertake any action, nor does it assign liability to any person. Subsequent government action in the form of remedial actions or enforcement actions will be necessary in order to do so, and these actions will be attended by all appropriate procedural safeguards.

The purpose of the NPL, therefore, is primarily to serve as an informational and management tool. The initial identification of a site for the NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of the public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. The NPL also serves to notify the public of sites EPA believes warrant further investigation.

Federal facility sites are eligible for the NPL pursuant to the NCP at 40 CFR 300.66(c)(2). However, section 111(e)(3) of CERCLA, as amended by SARA, limits the expenditure of CERCLA monies at Federally-owned facilities. Federal facility sites are also subject to the requirements of CERCLA section 120, added by SARA.

### Implementation

A site can undergo remedial action financed by the Trust Fund established under CERCLA only after it is placed on the final NPL as outlined in the NCP at 40 CFR 300.66(c)(2) and 300.68(a). However, EPA may take enforcement actions under CERCLA or other applicable statutes against responsible parties regardless of whether the site is on the NPL, although, as a practical matter, the focus of EPA's enforcement actions has been and will continue to be

on NPL sites. Similarly, in the case of removal actions, EPA has the authority to act at any site, whether listed or not, that meets the criteria of the NCP at 40 CFR 300.65-67.

EPA's policy is to pursue cleanup of NPL sites using the appropriate response and/or enforcement actions available to the Agency, including authorities other than CERCLA. Listing a site will serve as notice to any potentially responsible party that the Agency may initiate CERCLA-financed remedial action. The Agency will decide on a site-by-site basis whether to take enforcement or other action under CERCLA or other authorities, proceed directly with CERCLA-financed response actions and seek to recover response costs after cleanup, or do both. To the extent feasible, once sites are on the NPL, EPA will determine high-priority candidates for Superfund-financed response action and/or enforcement action through both State and Federal initiatives. These determinations will take into account which approach is more likely to most expeditiously accomplish cleanup of the site while using CERCLA's limited resources as efficiently as possible.

Remedial response actions will not necessarily be funded in the same order as a site's ranking on the NPL—that is, its HRS score. The information collected to develop HRS scores is not sufficient in itself to determine either the extent of contamination or the appropriate response for a particular site. EPA relies on further, more detailed studies in the remedial investigation/feasibility study (RI/FS) to address these concerns.

The RI/FS determines the nature and extent of the threat posed by the release or threatened release. It also takes into account the amount of contaminants in the environment, the risk to affected populations and environment, the cost to correct problems at the site, and the response actions that have been taken by potentially responsible parties or others. Decisions on the type and extent of action to be taken at these sites are made in accordance with the criteria contained in Subpart F of the NCP. After conducting these additional studies, EPA may conclude that it is not desirable to initiate a CERCLA remedial action at some sites on the NPL because of more pressing needs at other sites, or because a private party cleanup is already underway pursuant to an enforcement action. Given the limited resources available in the Trust Fund, the Agency must carefully balance the relative needs for response at the numerous sites it has studied. It is also possible that EPA will conclude after further analysis that the site does not warrant remedial action.

Revisions to the NPL such as today's rulemaking may move some previously listed sites to a lower position on the NPL. However, if EPA has initiated action such as an RI/FS at a site, it does not intend to cease such actions to determine if a subsequently listed site should have a higher priority for funding. Rather, the Agency will continue funding site studies and remedial actions once they have been initiated, even if higher-scoring sites are later added to the NPL.

**RI/FS at Proposed Sites.** An RI/FS can be performed at proposed sites (or even non-NPL sites) pursuant to the Agency removal authority under CERCLA, as outlined in the NCP at 40 CFR 300.68(a)(1). Section 101(23) of CERCLA defines "remove" or "removal" to include "such actions as may be necessary to monitor, assess and evaluate the release or threat of release \* \* \*". The definition of "removal" also includes "action taken under Section 104(b) of this Act \* \* \*," which authorizes the Agency to perform studies, investigations, and other information-gathering activities.

Although an RI/FS is generally conducted at a site after the site has been placed on the NPL, in a number of circumstances the Agency elects to conduct RI/FS at a proposed NPL site in preparation for a possible CERCLA-financed remedial action, such as when the Agency believes that a delay may create unnecessary risks to human health or the environment. In addition, the Agency may conduct an RI/FS to assist in determining whether to conduct a removal or enforcement action at a site.

**Facility (Site) Boundaries.** The Agency has received a number of inquiries concerning whether EPA could (or would) revise NPL site boundaries. The issue frequently arises where a landowner seeks to sell an allegedly uncontaminated portion of an NPL site. The Agency's position is that it is neither feasible nor consistent with the limited purpose of the NPL (as the mere identification of releases), for the Agency to describe precise boundaries of releases.

CERCLA section 105(a)(8)(B) directs EPA to list national priorities among the known "releases or threatened releases" of hazardous substances. Thus, the purpose of the NPL is merely to identify releases of hazardous substances that are priorities for further evaluation. Although a CERCLA "facility" is broadly defined to include any area where a hazardous substance release has "come to be located" (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the



boundaries of such facilities or releases.<sup>1</sup> Of course, HRS data upon which the NPL placement was based will, to some extent, describe which release is at issue; that is, the NPL release would include all releases evaluated as part of that HRS analysis (including noncontiguous releases evaluated under the NPL aggregation policy, *see* FR 40663 (September 8, 1983)).

Because the Agency does not formally define the geographic extent of releases (or sites) at the time of listing, there is no administrative process to "delist" allegedly uncontaminated areas of an NPL site (or to expand sites to follow the contamination where it has come to be located).<sup>2</sup> Such a process would be time-consuming, subject to constant re-verification, and wasteful of resources. Further, the NPL is only of limited significance, as it does not assign liability to any party. *See* Report of the Senate Committee on Environment and Public Works, Senate Rep. No. 96-848, 96th Cong., 2d Sess. 60 (1980), quoted at 48 FR 40659 (September 8, 1983). If a party contests liability for releases on discrete parcels of property, it may do so if and when the Agency brings an action against that party to recover costs or to compel a response action at that property.

EPA regulations do provide that the "nature and extent of the threat presented by a release" will be determined by an RI/FS as more information is developed on site contamination (40 CFR 300.68(d)). However, this inquiry focuses on an evaluation of the threat posed; it is not a requirement to define the boundaries of the release, and in any event is independent of the NPL listing. Moreover, it is generally impossible to discover the full extent of where the contamination "has come to be located" prior to completion of all necessary studies and remedial work at a site; indeed, the boundaries of the contamination can be expected to change over time. Thus, in most cases, it will be impossible to describe the boundaries of a release with certainty.

<sup>1</sup> Although CERCLA section 101(9) sets out the definition of "facility" and not "release," those terms are often used interchangeably. (See CERCLA section 105(a)(8)(B), which defines the NPL as a list of "releases" as well as the highest priority "facilities.") (For ease of reference, EPA also uses the term "Site" interchangeably with "release" and "facility.")

<sup>2</sup> The Agency has already discussed its authority to follow contamination as far as it goes, and then to consider the release or facility for response purposes to be the entire area where the hazardous substances have come to be located. 54 FR 13298 (March 31, 1989).

At the same time, however, the Agency notes that the RI/FS or Record of Decision (ROD) may offer a useful indication to the public of the areas of contamination at which the Agency is considering taking a response action, based on information known at that time. For example, EPA may evaluate (and list) a release over a 400-acre area, but the ROD may select a remedy over 100 acres only. This information may be useful to a landowner seeking to sell the other 300 acres, but it would result in no formal change in the fact that a release is included on the NPL. The landowner (and the public) should also note in such a case that if further study (or the remedial construction itself) reveals that the contamination is located on or has spread to other areas, the Agency may address those areas as well.

This view of the NPL as an initial identification of a release that is not subject to constant re-evaluation is consistent with the Agency's policy of not rescoring NPL sites:

EPA recognizes that the NPL process cannot be perfect, and it is possible that errors or that new data will alter previous assumptions. Once the initial scoring effort is complete, however, the focus of EPA activity must be on investigating sites in detail and determining the appropriate response. New data or errors can be considered in that process . . . [T]he NPL serves as a guide to EPA and does not determine liability or the need for response.

49 FR 37081 (September 21, 1984).<sup>3</sup>

### III. NPL Update Process

There are three mechanisms for placing sites on the NPL. The principal mechanism is the application of the HRS. The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to cause human health or safety problems, or ecological or environmental damage. The HRS score is calculated by estimating risks presented in three potential "pathways" of human or environmental exposure: ground water, surface water, and air. Within each pathway of exposure, the HRS considers three categories of factors "that are designed to encompass most aspects of the likelihood of exposure to a

hazardous substance through a release and the magnitude or degree of harm from such exposure": (1) factors that indicate the presence or likelihood of a release to the environment; (2) factors that indicate the nature and quantity of the substances presenting the potential threat; and (3) factors that indicate the human or environmental "targets" potentially at risk from the site. Factors within each of these three categories are assigned a numerical value according to a set scale. Once numerical values are computed for each factor, the HRS uses mathematical formulas that reflect the relative importance and interrelationships of the various factors to arrive at a final site score on a scale of 0 to 100. The resultant HRS score represents an estimate of the relative "probability and magnitude of harm to the human population or sensitive environment from exposure to hazardous substances as a result of the contamination of ground water, surface water, or air" (47 FR 31180, July 16, 1982). Those sites that score 28.50 or greater on the HRS are eligible for the NPL.

Under the second mechanism for adding sites to the NPL, each State may designate a single site as its top priority, regardless of the HRS score. This mechanism is provided by section 105(a)(8)(B) of CERCLA, as amended by SARA, which requires that, to the extent practicable, the NPL include within the 100 highest priorities, one facility designated by each State representing the greatest danger to public health, welfare, or the environment among known facilities in the State.

The third mechanism for listing, included in the NCP at 40 CFR 300.66(b)(4) (50 FR 37624, September 16, 1985), has been used only in rare instances. It allows certain sites with HRS scores below 28.50 to be eligible for the NPL if all of the following occur:

- The Agency, for Toxic Substances and Disease Registry (ATSDR) of the U.S. Department of Health and Human Services has issued a health advisory which recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

All of the sites in today's final rule have been placed on the NPL based on their HRS scores.

States have the primary responsibility for identifying non-Federal sites, computing HRS scores, and submitting

<sup>3</sup> See also *City of Stoughton, Wisc. v. U.S. EPA*, 858 F. 2d 747, 751 (D.C. Cir. 1988):

Certainly EPA could have permitted further comment or conducted further testing (on proposed NPL sites). Either course would have consumed further assets of the Agency and would have delayed a determination of the risk priority associated with the site. Yet . . . "the NPL is simply a rough list of priorities, assembled quickly and inexpensively to comply with Congress' mandate for the Agency to take action straightaway." *Eagle-Picher [Industries v. EPA]* II, 759 F. 2d [921,] at 932 [(D.C. Cir. 1985)].

candidate sites to the EPA Regional Offices. EPA Regional Offices conduct a quality control review of the States' candidate sites, and may assist in investigating, sampling, monitoring, and scoring sites. Regional Offices may also consider candidate sites in addition to those submitted by States. EPA Headquarters conducts further quality assurance audits to ensure accuracy and consistency among the various EPA and State offices participating in the scoring. The Agency then proposes the sites that meet one of the three criteria for listing (and EPA's listing policies) and solicits public comment on the proposal. Based on these comments and further review by EPA, the Agency determines final HRS scores and places those sites that still qualify on the final NPL.

#### IV. Statutory Requirements and Listing Policies

CERCLA restricts EPA's authority to respond to certain categories of releases of hazardous substances, pollutants, or contaminants by expressly excluding some substances, such as petroleum, from the response program. In addition, CERCLA section 105(a)(8)(B) directs EPA to list priority sites "among" the known releases or threatened releases of hazardous substances, pollutants, or contaminants, and section 105(a)(8)(A) directs EPA to consider certain enumerated and "other appropriate" factors in doing so. Thus, as a matter of policy, EPA has the discretion not to use CERCLA to respond to certain types of releases. For example, EPA has chosen not to list sites that result from contamination associated with facilities licensed by the Nuclear Regulatory Commission (NRC), on the grounds that NRC has the authority and expertise to clean up releases from those facilities (48 FR 40661, September 8, 1983). Where other authorities exist, placing the site on the NPL for possible remedial action under CERCLA may not be appropriate. Therefore, EPA has chosen to defer certain types of sites from the NPL even though CERCLA may provide authority to respond. If, however, the Agency later determines that sites deferred as a matter of policy are not being properly responded to, the Agency may place them on the NPL.

The Agency has solicited comment on a policy to expand deferral to other Federal and State authorities (53 FR 51415, December 21, 1988); however, that policy is not currently in effect and has not been applied to sites in this rule. The Agency has committed not to implement any part of an expanded deferral policy until public and Congressional concerns have been fully reviewed and analyzed,

and a decision reached on whether or not to implement such a policy.

The listing policies and statutory requirements of relevance to this final rule cover Resource Conservation and Recovery Act (RCRA) (U.S.C. 6901-6991i) sites, Federal facility sites, sites with "special study wastes," and mining waste sites, and are discussed below. These and other listing policies and statutory requirements have been explained in previous rulemakings, the latest being March 31, 1989 (54 FR 13296).

#### *Releases From Resource Conservation and Recovery Act (RCRA) Sites*

On June 10, 1986 (51 FR 21054), EPA announced a decision on components of a policy for the listing or the deferral from listing on the NPL of several categories of non-Federal sites subject to RCRA Subtitle C corrective action authorities. Under the policy, sites not subject to RCRA Subtitle C corrective action authorities will continue to be placed on the NPL. Examples of such sites include:

- Facilities that ceased treating, storing, or disposing of hazardous waste prior to November 19, 1980 (the effective date of Phase I of the Subtitle C regulations) and to which the RCRA corrective action or other authorities of Subtitle C cannot be applied.

- Sites at which only materials exempted from the statutory or regulatory definition of solid waste or hazardous waste are managed.

- Contamination areas resulting from the activities of RCRA hazardous waste handlers to which RCRA Subtitle C corrective action authorities do not apply, such as hazardous waste generators of transporters, which are not required to have Interim Status or a final RCRA permit.

Further, the policy stated that certain RCRA sites at which Subtitle C corrective action authorities are available may also be listed if they meet the criterion for listing (i.e., an HRS score of 28.50 or greater) and they fall within one of the following categories:

- Facilities owned by persons who have demonstrated an inability to finance corrective action as evidenced by their invocation of the bankruptcy laws.

- Facilities that have lost authorization to operate, and for which there are additional indications that the owner or operator will be unwilling to undertake corrective action.

- Sites, analyzed on a case-by-case basis, whose owners or operators have a clear history of unwillingness to undertake corrective action.

On August 9, 1988 (53 FR 30005), EPA announced a policy for determining whether RCRA facilities are unwilling to perform corrective actions, and therefore should be proposed to the NPL. Additionally, on August 9, 1988 (53 FR 30002), EPA requested comment on a draft policy for determining when an owner/operator should be considered unable to pay for addressing the contamination at a RCRA-regulated site; that draft policy is still under review.

On June 24, 1988 (53 FR 23978), EPA announced its intent to list RCRA sites in several other categories which the Agency considers appropriate for the NPL. These categories are non- or late filers, converters, protective filers, and sites holding RCRA permits issued before enactment of the Hazardous and Solid Waste Amendments (HSWA) of 1984. Consistent with this policy, 23 sites in these categories are being placed on the final NPL in a rule appearing elsewhere in today's Federal Register.

In this final rule, EPA is adding to the NPL four sites that are subject to RCRA Subtitle C corrective action authorities. These sites are not appropriate for deferral under the NPL/RCRA deferral policy because either the site owners are unable to finance corrective action, as evidenced by their invocation of the bankruptcy laws, or the sites are converters (i.e., their Part A permits have been withdrawn).

#### *Releases from Federal Facility Sites*

On June 10, 1986 (51 FR 21054), the Agency announced a decision on components of a policy for the listing or the deferral from listing on the NPL of several categories of non-Federal sites subject to the RCRA Subtitle C corrective action authorities. The policy was intended to reflect RCRA's broadened corrective action authorities as a result of HSWA. In announcing the RCRA policy, the Agency reserved for a later date the question of whether this or another policy would be applied to Federal facility sites that include one or more RCRA hazardous waste management units, and thus are subject to RCRA Subtitle C corrective action authorities.

The Agency interprets SARA and its legislative history to indicate that Congress clearly intended that Federal facilities be placed on the NPL if they meet the prescribed eligibility criteria (e.g., an HRS score of 28.50 or greater), even if the Federal facility is also subject to the corrective action authorities of RCRA Subtitle C. In that way, cleanup, if appropriate, could be effected at those sites under CERCLA. The Agency's statement of this policy,

and the reasons behind it, are fully discussed at 54 FR 10520 (March 13, 1989). Thus, the June 10, 1986 RCRA deferral policy (51 FR 21057) applicable to private sites is not applicable to Federal facility sites.

Federal facility sites are placed in a separate section of the NPL. This rule adds 11 Federal facility sites to the final NPL, bringing the total number of final Federal facility sites to 52. Currently, 63 Federal facility sites are proposed to the NPL.

#### Releases of Special Study Wastes

Section 105(g) of CERCLA, as amended by SARA, requires EPA to consider certain factors before adding sites involving RCRA "special study wastes" to the NPL. Section 105(g) applies to sites that (1) were not on or proposed for the NPL as of October 17, 1988 and (2) contain sufficient quantities of special study wastes as defined under RCRA sections 3001(b)(2) [drilling fluids], 3001(b)(3)(A)(ii) [mining wastes], and 3001(b)(3)(A)(iii) [cement kiln dusts]. Before these sites can be added to the NPL, section 105(g) requires that the following information be considered:

- The extent to which the HRS score for the facility is affected by the presence of the special study waste at or released from the facility.

- Available information as to the quantity, toxicity, and concentration of hazardous substances that are constituents of any special study waste at, or released from, the facility; the extent of or potential for release of such hazardous constituents; the exposure or potential exposure to human population and environment; and the degree of hazard to human health or the environment posed by the release of such hazardous constituents at the facility.

This final rule includes five sites containing or potentially containing special study wastes subject to the provisions of section 105(g). EPA has placed in the dockets addenda that evaluate for each site the information called for in section 105(g). The addenda indicate the special study wastes present a threat to human health and the environment, and that the sites should be added to the NPL.

CERCLA section 125, as amended by SARA, addresses special study wastes described in RCRA section 3001(b)(3)(A)(i) [fly ash and related wastes]. No sites in this rule are subject to section 125.

#### Releases from Mining Sites

The Agency's position is that mining wastes may be hazardous substances, pollutants, or contaminants under

CERCLA and, therefore, mining waste sites are eligible for the NPL. This position was affirmed in 1985 by the United States Court of Appeals for the District of Columbia Circuit (*Eagle-Picher Industries, Inc. v. EPA*, 759 F. 2d 922 (D.C. Cir 1985)).

In addition, Agency policy statements regarding including mining sites on the NPL are located at 53 FR 23988, 23993 (June 24, 1988); 54 FR 10512, 10514-16 (March 13, 1989); 54 FR 13296, 13300-01, 13302-03 (March 31, 1989). The Agency is including three mining sites in today's final rule.

#### V. Disposition of Sites in Today's Final Rule

This final rule promulgates 70 sites (Table 1) and drops 4 sites from several proposed rulemakings. These 74 sites are from the following proposed updates:

- Update #2 (49 FR 40320, October 15, 1984): 2 sites.
- Update #3 (50 FR 14115, April 10, 1985): 1 site.
- Update #5 (51 FR 21099, June 10, 1986): 6 sites.
- Update #6 (52 FR 2492, January 22, 1987): 14 sites.
- Update #7 (53 FR 23988, June 24, 1988): 47 sites.
- Update #8 (54 FR 19526, May 5, 1989): 4 sites.

TABLE 1.—NATIONAL PRIORITIES LIST, NEW FINAL SITES (BY RANK), OCTOBER 1989

	NPL Group <sup>1</sup> Rank	State	Site Name	City/County
1.....	44	PA	Publcker Industries Inc.....	Philadelphia
2.....	70	WA	General Electric (Spokane Shop).....	Spokane
3.....	129	PA	Raymark.....	Hatboro
4.....	164	ID	Kerr-McGee Chemical (Soda Springs).....	Soda Springs
4.....	190	IL	Woodstock Municipal Landfill.....	Woodstock
4.....	199	CT	Precision Plating Corp.....	Vernon
5.....	214	MO	Wheeling Disposal Service Co. Lf.....	Amazonia
6.....	256	PA	Tonolli Corp.....	Nesquehoning
6.....	265	CT	Gallup's Quarry.....	Plainfield
6.....	271	PA	Berks Landfill.....	Spring Township
6.....	274	CA	Pacific Coast Pipe Lines.....	Fillmore
6.....	277	PA	Occidental Chem/Firestone Tire.....	Lower Pottsgrove Township
6.....	297	FL	Agrico Chemical Co.....	Pensacola
7.....	318	VT	Darling Hill Dump.....	Lyndon
7.....	334	PA	River Road Lf/Waste Mngmnt, Inc.....	Hermitage
7.....	343	FL	Standard Auto Bumper Corp.....	Hialeah
8.....	363	PA	A.I.W. Frank/Mid-County Mustang.....	Exton
8.....	366	PA	Commodore Semiconductor Group.....	Lower Providence Township
8.....	368	IL	Lenz Oil Service, Inc.....	Lemont
8.....	371	PA	Novak Sanitary Landfill.....	South Whitehall Township
8.....	375	NJ	South Jersey Clothing Co.....	Minotola
8.....	381	MI	Barrels, Inc.....	Lansing
8.....	400	VT	BFI Sanitary Landfill (Rockingham).....	Rockingham
9.....	434	PA	Jacks Creek/Sitkin Smelting & Ref.....	Maitland
10.....	469	PA	AMP, Inc. (Glen Rock Facility).....	Glen Rock
10.....	470	NC	JFD Electronics/Channel Master.....	Oxford

TABLE 1.—NATIONAL PRIORITIES LIST, NEW FINAL SITES (BY RANK), OCTOBER 1989—Continued

	NPL Group <sup>1</sup> Rank	State	Site Name	City/County
10.....	473	FL	Sydney Mine Sludge Ponds.....	Brandon
10.....	474	NM	Cimarron Mining Corp.....	Carrizozo
10.....	489	MO	St Louis Airport/HIS/Fut Coatings.....	St. Louis County
10.....	497	RI	Rose Hill Regional Landfill.....	South Kingstown
11.....	504	CT	Barkhamsted-New Hartford Landfill.....	Barkhamsted
11.....	513	FL	Chemform, Inc.....	Pompano Beach
11.....	516	SC	Lexington County Landfill Area.....	Cayce
11.....	519	UT	Utah Power&Light/American Barrel.....	Salt Lake City
11.....	546	VA	Saunders Supply Co.....	Chuckatuck
12.....	553	SC	Rochester Property.....	Travelers Rest
12.....	574	VT	Tansitor Electronics, Inc.....	Bennington
12.....	585	DE	Dover Gas Light Co.....	Dover
12.....	590	PA	North Penn—Area 2.....	Hatfield
12.....	596	NM	Pagano Salvage.....	Los Lunas
13.....	601	CA	Fresno Municipal Sanitary Landfill.....	Fresno
13.....	615	CA	Jasco Chemical Corp.....	Mountain View
13.....	619	VA	Dixie Caverns County Landfill.....	Salem
13.....	635	PA	Bell Landfill.....	Terry Township
14.....	662	WI	Sauk County Landfill.....	Excelsior
14.....	677	CT	Durham Meadows.....	Durham
14.....	687	MO	Kem-Pest Laboratories.....	Cape Girardeau
14.....	696	MI	Albion-Sheridan Township Landfill.....	Albion
15.....	736	NC	Gelgy Chemical Corp (Aberdeen Plt).....	Aberdeen
16.....	752	LA	D.L. Mud, Inc.....	Abbeville
16.....	762	CA	Montrose Chemical Corp.....	Torrance
16.....	785	CA	Synertek, Inc. (Building 1).....	Santa Clara
16.....	793	FL	Wingate Road Munic Incinerat Dump.....	Fort Lauderdale
17.....	822	PA	Eastern Diversified Metals.....	Hometown
17.....	840	NJ	Witco Chemical Corp. (Oakland Plt).....	Oakland
18.....	870	GA	Firestone Tire (Albany Plant).....	Albany
18.....	889	TN	Mallory Capacitor Co.....	Waynesboro
19.....	910	DE	Sussex County Landfill No. 5.....	Laurel
19.....	927	PA	CryoChem, Inc.....	Worman

\* State top priority site.

<sup>1</sup> Sites are placed in groups corresponding to groups of 50 on the final NPL.  
Number of New Final Sites: 59.

NATIONAL PRIORITIES LIST, FEDERAL FACILITY SITES, NEW FINAL (BY GROUP), OCTOBER 1989

NPL Group <sup>1</sup>	State	Site Name	City/County
1.....	WA	Hanford 200-Area (USDOE).....	Benton County
1.....	WA	Hanford 300-Area (USDOE).....	Benton County
1.....	CO	Rocky Flats Plant (USDOE).....	Golden
2.....	PA	Naval Air Develop Center (8 Areas).....	Warminster Township
2.....	OH	Wright-Patterson Air Force Base.....	Dayton
6.....	WA	Hanford 100-Area (USDOE).....	Benton County
12.....	WA	Hanford 1100-Area (USDOE).....	Benton County
14.....	PR	Naval Security Group Activity.....	Sabana Seca
15.....	WA	Naval Undersea Warf Sta (4 Areas).....	Keyport
15.....	NC	Camp Lejeune Military Reservation.....	Onslow County
17.....	MD	Aber Prov Ground-Michaelsville Lt.....	Aberdeen

\* State top priority site.

<sup>1</sup> Sites are placed in groups corresponding to groups of 50 on the final NPL.  
Number of New Final Federal Facility Sites: 11.

EPA read all comments received on these sites, including late comments. In past rules, EPA responded even to late comments. However, given the volume and number of late comments received and the need to make final decisions on all currently proposed sites prior to the date that the revised HRS takes effect,

EPA was not able to respond to all late comments received for sites in this rule. EPA has responded (in the Support Document) to those comments received no later than October 31, 1988 for all sites included in this final rule which were proposed in Updates #2, 3, 5, 6, and 7, and to those comments received

no later than September 12, 1989 for sites in this final rule which were proposed in Update #8. (EPA had previously indicated at the time of proposal of Update #7 and Update #8 that it may no longer be able to consider late comments (53 FR 23990, June 24, 1988 and 54 FR 19527, May 5, 1989)).



Although EPA has not responded to all late comments, it has read all late comments, and has endeavored to respond in the Support Document to those late comments which bring to the Agency's attention a fundamental error in the scoring of a site. In addition, the Agency has routinely responded to late comments that result from EPA correspondence which provided commenters with more recent data or requested that the commenters be more specific in their comments.

Based on the comments received on the proposed sites, as well as investigation by EPA and the States (generally in response to comment), EPA recalculated the HRS scores for individual sites where appropriate. Where the public comments or additional information dropped a score below 28.50, the site has been removed from the NPL. EPA did not spend the additional resources to determine a new score for dropped sites; once the data indicated that a score would fall below 28.50, and no new information or comments suggested a higher score, EPA ceased the time-consuming process of evaluating the comments in detail and of rescoring the site. Rather, EPA has simply provided the rationale for its decision to drop each applicable site. EPA's response to site-specific public comments and explanations of any score changes made as a result of such comments are addressed in the "Support Document for the Revised National Priorities List—Final Rule 10/04/89."

#### Resource Conservation and Recovery Act (RCRA) Sites

Four sites are subject to Subtitle C corrective action authorities, but either

the site owner has invoked the protection of the bankruptcy laws, or the part A permit has been withdrawn (converter status). The sites are being added to the final NPL consistent with the NPL/RCRA listing policy:

- Firestone Tire and Rubber Co. (Albany Plant), Albany, GA (converter)
- Lenz Oil Service, Inc., Lemont, IL (bankruptcy)
- AMP, Inc., (Glen Rock Facility), Glen Rock, PA (converter)
- Tonolli Corp., Nesquehoning, PA (bankruptcy)

#### Federal Facility Sites

There are 11 Federal facility sites being added to the NPL (Table 1).

#### Special Study Waste Sites

Five sites containing or possibly containing special study wastes are being added to the NPL in this rule. The sites and the special study wastes are:

- Dover Gas Light Co., Dover, DE (coal tar)
- Kerr-McGee Chemical Corp. (Soda Springs Plant), Soda Springs, ID (mining wastes)
- D.L. Mud, Inc., Abbeville, LA (oil drilling mud and produced waters)
- Cimarron Mining Corp., Carrizozo, NM (mining wastes)
- Jacks Creek/Sitkin Smelting and Refining, Inc., Maitland, PA (mining wastes)

#### Mining Sites

Three noncoal mining sites are being added to the NPL in this final rule:

- Kerr-McGee Chemical Corp. (Soda Springs Plant), Soda Springs, ID
- Cimarron Mining Corp., Carrizozo, NM
- Jacks Creek/Sitkin Smelting and Refining, Inc., Maitland, PA

EPA has examined whether these mining sites might be satisfactorily

addressed using State-share monies from the Abandoned Mine Land Reclamation (AMLR) Fund under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Cimarron Mining Corp. operated after the August 7, 1977 SMCRA enactment date, and therefore is not eligible for SMCRA AMLR funds. The Kerr-McGee (Soda Springs Plant) site is located in Idaho, which does not have an AMLR program. The other site, Jacks Creek/Sitkin Smelting and Refining, Inc., was abandoned prior to the enactment date of SMCRA. Since Pennsylvania has an approved AMLR program, the site is potentially eligible for SMCRA funds. However, available information suggests the site will not be addressed under SMCRA in the foreseeable future. Information outlining the State's position on use of AMLR funds at the site is available in the docket.

#### Score Revisions

EPA has revised the HRS scores for 19 sites based on its review of comments and additional information developed by EPA and the States (Table 2). Some of the changes have placed the sites in different groups of 50 sites. For four of these sites, the public comments and/or additional information have resulted in scores below the cut-off of 28.50. Accordingly, these four sites are being dropped from the proposed NPL at this time.

- GBF Inc. Dump, Antioch, CA
- Pigeon Point Landfill, New Castle, DE
- Stauffer Chemical Co. (Chicago Heights Plant), Chicago Heights, IL
- McCarty's Bald Knob Landfill, Mt. Vernon, IN

TABLE 2.—SITES WITH HRS SCORE CHANGES

State/Site Name	Location	HRS Score <sup>1</sup>	
		Proposed	Final
CA: GBF, Inc., Dump	Antioch	32.04	*
CA: Montrose Chemical Corp.	Torrance	33.85	32.10
CT: Barkhamsted-New Hartford Landfill	Barkhamsted	52.00	38.05
DE: Dover Gas Light Co.	Dover	42.24	35.57
DE: Pigeon Point Landfill	New Castle	37.93	
GA: Firestone Tire & Rubber Co. (Albany Plant)	Albany	35.39	30.08
IL: Stauffer Chemical Co. (Chicago Heights Plant)	Chicago Heights	31.14	*
IN: McCarty's Bald Knob Landfill	Mt. Vernon	35.39	*
MD: Aberdeen Proving Ground (Michaelsville Landfill)	Aberdeen	31.45	31.09
MO: St. Louis Airport/Hazelwood Interim Storage/Futura Coatings Co.	St. Louis County	37.79	38.31
MO: Wheeling Disposal Service Co. Landfill	Amazonia	29.85	48.58
NC: Camp Lejeune Military Reservation	Onslow County	36.84	33.02
NC: JFD Electronics/Channel Master	Oxford	39.11	39.03
PA: Novak Sanitary Landfill	South Whitehall Twp.	42.34	42.31
PA: Publicker Industries, Inc.	Philadelphia	59.99	59.06
SC: Rochester Property	Travelers Rest	41.34	36.72
VA: Dixie Caverns Sanitary Landfill	Salem	34.12	35.27
VA: Saunders Supply Co.	Chuckatuck	55.57	36.88
VT: Darling Hill Dump	Lyndon	45.91	43.92

<sup>1</sup> \* = score below 28.50.



### Name Revisions

The names of two sites addressed in this final rule have been changed in response to information received during the comment period. The changes are intended to reflect more accurately the location, nature, or potential sources of contamination at the site:

- Camp Lejeune Marine Corps Base, Onslow County, NC changed to Camp Lejeune Military Reservation

- Ametek, Inc. (Hunter Spring Division), Hatfield, PA changed to North Penn—Area 2

### VI. Disposition of All Proposed Sites/ Federal Facility Sites

To date, EPA has proposed nine major updates to the NPL as well as special update of two ATSDR sites. Taking into account this rule and the additional NPL final rule published elsewhere in today's Federal Register, 150 sites and 63

Federal facility sites continue to be proposed pending completion of response to comment, resolution of technical issues and resolution of various policy issues (Table 3). All sites that remain proposed will be considered for future final rules. Although these sites remain proposed, the comment periods have not been extended or reopened.

TABLE 3.—NPL PROPOSALS

Update No.	Date/Federal Register citation	Number of sites/Federal facility sites	
		Proposed	Remaining proposed
1	9/8/83; 48 FR 40674	132/1	1/0
2	10/15/84; 49 FR 40320	208/36	17/3
3	4/10/85; 50 FR 14115	26/6	0/1
4	9/18/85; 50 FR 37950	38/3	1/2
5	6/10/86; 51 FR 21099	43/2	8/0
6	1/22/87; 52 FR 2492	63/1	13/0
7	6/24/88; 53 FR 23988	215/14	103/5
8	5/5/89; 54 FR 19526	10/0	5/0
9	7/14/89; 54 FR 29820	0/52	0/52
ATSDR	8/16/89; 54 FR 33846	2/0	2/0
Total		735/115	150/63

### VII. Contents of the NPL

The 70 new sites added to the NPL in today's rule (Table 1) have been incorporated into the NPL in order of their HRS scores except where EPA modified the order to reflect top priorities designated by the States, as discussed in greater detail in previous rulemakings, the most recent on March 31, 1989 (54 FR 13296).

The NPL appears at the end of this final rule and will be codified as part of Appendix B to the NCP. Sites on the NPL are arranged according to their scores on the HRS. The NPL is presented in groups of 50 sites to emphasize the minor differences in HRS scores do not necessarily represent significantly different levels of risk. Except for the first group, the score range within the groups, as indicated in the list, is less than 4 points. EPA considers the sites within a group to have approximately the same priority for response actions. For convenience, the sites are numbered.

One site—the Lansdowne Radiation Site in Lansdowne, PA—was placed on the NPL on September 16, 1985 (50 FR 37630) because it met the requirements of the NCP at section 300.66(b)(4), as explained in section III of this rule; it has an HRS score less than 28.50, and appears at the end of the list.

This rule adds 11 new sites to the Federal facility section of the NPL by group number.

Each entry on the NPL contains the name of the facility and the State and city or county in which it is located. In the past, each entry was accompanied by one or more notations reflecting the status of response and cleanup activities at the site at the time this list was prepared. EPA is developing a report summarizing response activities at NPL sites. In the interim, information on activities at the new final sites is available upon request to the appropriate Regional Office.

### VIII. Regulatory Impact Analysis

The costs of cleanup actions that may be taken at sites are not directly attributable to placement on the NPL, as explained below. Therefore, the Agency has determined that this rulemaking is not a "major" regulation under Executive Order 12291. EPA has conducted a preliminary analysis of economic implications of today's amendment to the NCP. EPA believes that the kinds of economic effects associated with this revision are generally similar to those effects identified in the regulatory impact analysis (RIA) prepared in 1982 for the revisions to the NCP pursuant to section 105 of CERCLA and the economic analysis prepared when amendments to the NCP were proposed (50 FR 5882, February 12, 1985). The Agency believes the anticipated economic effects related to adding these 70 sites to the NPL can be characterized in terms of the

conclusions of the earlier RIA and the most recent economic analysis. This rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

### Costs

EPA has determined that this rulemaking is not a "major" regulation under Executive Order 12291 because inclusion of a site on the NPL does not itself impose any costs. It does not establish that EPA will necessarily undertake remedial action, nor does it require any action by a private party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. Nonetheless, it is useful to consider the costs associated with responding to all sites included in this rulemaking.

The major events that follow the proposed listing of a site on the NPL are a search for potentially responsible parties and a remedial investigation/feasibility study (RI/FS) to determine if remedial actions will be undertaken at a site. Design and construction of the selected remedial alternative follow completion of the RI/FS, and operation and maintenance (O&M) activities may continue after construction has been completed.

EPA initially bears costs associated with responsible party searches. Responsible parties may bear some or

all the costs of the RI/FS, remedial design and construction, and O&M, or EPA and the States may share costs.

The State cost share for site cleanup activities has been amended by section 104 of SARA. For privately-owned sites, as well as at publicly-owned but not publicly-operated sites, EPA will pay for 100% of the costs of the RI/FS and remedial planning, and 90% of the costs associated with remedial action. The State will be responsible for 10% of the remedial action. For publicly-operated sites, the State cost share is at least 50% of all response costs at the site, including the RI/FS and remedial design and construction of the remedial action selected. After the remedy is built, costs fall into two categories:

- For restoration of ground water and surface water, EPA will share in startup costs according to the criteria in the previous paragraph for 10 years or until a sufficient level of protectiveness is achieved before the end of 10 years.
- For other cleanups, EPA will share for up to 1 year the cost of that portion of response needed to assure that a remedy is operational and functional. After that, the State assumes full responsibilities for O&M.

In previous NPL rulemakings, the Agency estimated the costs associated with these activities (RI/FS, remedial design, remedial action, and O&M) on an average per site and total cost basis. EPA will continue with this approach, using the most recent (1988) cost estimates available; these estimates are presented below. However, there is wide variation in costs for individual sites, depending on the amount, type, and extent of contamination. Additionally, EPA is unable to predict what portions of the total costs responsible parties will bear, since the distribution of costs depends on the extent of voluntary and negotiated response and the success of any cost-recovery actions.

Cost category	Average total cost per site <sup>1</sup>
RI/FS.....	1,100,000
Remedial Design .....	750,000
Remedial Action .....	<sup>2</sup> 13,500,000
Net present value of O&M <sup>3</sup> .....	<sup>2</sup> 3,770,000

<sup>1</sup> 1988 U.S. Dollars.

<sup>2</sup> Includes State cost-share.

<sup>3</sup> Assumes cost of O&M over 30 years, \$400,000 for the first year and 10% discount rate.

Source: Office of Program Management, Office of Emergency and Remedial Response, U.S. EPA.

Costs to States associated with today's final rule arise from the required State cost-share of: (1) 10% of remedial actions and 10% of first-year O&M costs at privately-owned sites and sites which are publicly-owned but not publicly-

operated; and (2) at least 50% of the remedial planning (RI/FS and remedial design), remedial action, and first-year O&M costs at publicly-operated sites. States will assume the cost for O&M after EPA's period of participation. Using the assumptions developed in the 1982 RIA for the NCP, EPA has assumed that 90% of the 59 non-Federal sites added to the NPL in this rule will be privately-owned and 10% will be State- or locally-operated. Therefore, using the budget projections presented above, the cost to States of undertaking Federal remedial planning and actions, but excluding O&M costs, would be approximately \$100 million. State O&M costs cannot be accurately determined because EPA, as noted above, will share O&M costs for up to 10 years for restoration of ground water and surface water, and it is not known how many sites will require this treatment and for how long. However, based on past experience, EPA believes a reasonable estimate is that it will share startup costs for up to 10 years at 25% of sites. Using this estimate, State O&M costs would be approximately \$189 million.

Placing a hazardous waste site on the final NPL does not itself cause firms responsible for the site to bear costs. Nonetheless, a listing may induce firms to clean up the sites voluntarily, or it may act as a potential trigger for subsequent enforcement or cost-recovery actions. Such actions may impose costs on firms, but the decisions to take such actions are discretionary and made on a case-by-case basis. Consequently, precise estimates of these effects cannot be made. EPA does not believe that every site will be cleaned up by a responsible party. EPA cannot project at this time which firms or industry sectors will bear specific portions of the response costs, but the Agency considers: the volume and nature of the waste at the sites; the strength of the evidence linking the wastes at the site to the parties; the parties' ability to pay; and other factors when deciding whether and how to proceed against the parties.

Economy-wide effects of this amendment to the NCP are aggregations of effects on firms and State and local governments. Although effects could be felt by some individual firms and States, the total impact of this amendment on output, prices, and employment is expected to be negligible at the national level, as was the case in the 1982 RIA.

#### Benefits

The real benefits associated with today's amendment placing additional sites on the NPL are increased health and environmental protection as a result

of increased public awareness of potential hazards. In addition to the potential for more Federally-financed remedial actions, expansion of the NPL could accelerate privately-financed, voluntary cleanup efforts. Listing sites as national priority targets may also give States increased support for funding responses at particular sites.

As a result of the additional CERCLA remedies, there will be lower human exposure to high-risk chemicals, and higher-quality surface water, ground water, soil, and air. These benefits are expected to be significant, although difficult to estimate in advance of completing the RI/FS at these sites.

#### IX. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act of 1980 requires EPA to review the impacts of this action on small entities, or certify that the action will not have a significant impact on a substantial number of small entities. By small entities, the Act refers to small businesses, small government jurisdictions, and nonprofit organizations.

While modifications to the NPL are considered revisions to the NCP, they are not typical regulatory changes since the revisions do not automatically impose costs. The placing of sites on the NPL does not in itself require any action of any private party, nor does it determine the liability of any party for the cost of cleanup at the site. Further, no identifiable groups are affected as a whole. As a consequence, it is hard to predict impacts on any group. Placing a site on the NPL could increase the likelihood that adverse impacts to responsible parties (in the form of cleanup costs) will occur, but EPA cannot identify the potentially affected business at this time nor estimate the number of small businesses that might be affected.

The Agency does expect that certain industries and firms within industries that have caused a proportionately high percentage of waste site problems could be significantly affected by CERCLA actions. However, EPA does not expect the impacts from the listing of these 59 non-Federal sites to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would only occur through enforcement and cost-recovery actions, which are taken at EPA's discretion on a site-by-site basis. EPA considers many factors when determining what enforcement actions to take, including not only the firm's contribution to the problem, but also the firm's ability to pay.

The impacts (from cost recovery) on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

#### List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste

treatment and disposal, Water pollution control, Water supply.

Dated: September 21, 1989.

Robert H. Wayland III,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

#### PART 300—[AMENDED]

40 CFR part 300 is amended as follows:

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9605; 42 U.S.C. 9620; 33 U.S.C. 1321(c)(2); E.O. 11735 (38 FR 21243); E.O. 12580 (52 FR 2923).

#### APPENDIX B to PART 300

2. Appendix B of Part 300 is revised to read as set forth below.

#### APPENDIX B.—NATIONAL PRIORITIES LIST (BY RANK), OCTOBER 1989

NPL Rank	EPA Reg	State	Site Name	City/County
Group 1 (HRS Scores 75.60 - 58.54)				
1	02	NJ	Lipari Landfill	Pitman
2	03	DE	Tybouts Corner Landfill*	New Castle County
3	03	PA	Bruin Lagoon	Bruin Borough
4	02	NJ	Helen Kramer Landfill	Mantua Township
5	01	MA	Industri-Plex	Woburn
6	02	NJ	Price Landfill*	Pleasantville
7	02	NY	Pollution Abatement Services*	Oswego
8	07	IA	LaBounty Site	Charles City
9	03	DE	Army Creek Landfill	New Castle County
10	02	NJ	CPS/Madison Industries	Old Bridge Township
11	01	MA	Nyanza Chemical Waste Dump	Ashland
12	02	NJ	GEMS Landfill	Gloucester Township
13	05	MI	Berlin & Farro	Swartz Creek
14	01	MA	Baird & McGuire	Holbrook
15	02	NJ	Lone Pine Landfill	Freehold Township
16	01	NH	Somersworth Sanitary Landfill	Somersworth
17	05	MN	FMC Corp. (Fridley Plant)	Fridley
18	06	AR	Vertac, Inc.	Jacksonville
19	01	NH	Keefe Environmental Services	Epping
20	08	MT	Silver Bow Creek/Butte Area	Sil Bow/Deer Lodge
21	08	SD	Whitewood Creek*	Whitewood
22	06	TX	French, Ltd.	Crosby
23	05	MI	Liquid Disposal, Inc.	Utica
24	01	NH	Sylvester*	Nashua
25	03	PA	Tyson's Dump	Upper Merion Township
26	03	PA	McAdoo Associates*	McAdoo Borough
27	06	TX	Motco, Inc.	La Marque
28	05	OH	Arcanum Iron & Metal	Darke County
29	08	MT	East Helena Site	East Helena
30	06	TX	Sikes Disposal Pits	Crosby
31	04	AL	Triana/Tennessee River	Limestone/Morgan
32	09	CA	Stringfellow*	Glen Avon Heights
33	01	ME	McKin Co.	Gray
34	06	TX	Crystal Chemical Co.	Houston
35	02	NJ	Bridgeport Rental & Oil Services	Bridgeport
36	08	CO	Sand Creek Industrial	Commerce City
37	06	TX	Geneva Industries/Fuhrmann Energy	Houston
38	01	MA	W.R. Grace & Co., Inc. (Acton Plant)	Acton
39	05	MN	Reilly Tar (St. Louis Park Plant)*	St. Louis Park
40	05	MN	New Brighton/Arden Hills	New Brighton
41	04	FL	Schuykill Metals Corp.	Plant City
42	02	NJ	Vineland Chemical Co., Inc.	Vineland
43	02	NJ	Burnt Fly Bog	Marlboro Township
44	03	PA	Publicker Industries Inc.	Philadelphia
45	02	NY	Old Bethpage Landfill	Oyster Bay
46	02	NJ	Shieldalloy Corp.	Newfield Borough
47	04	FL	Reeves Southeast Galvanizing Corp	Tampa
48	08	MT	Anaconda Co. Smelter	Anaconda
49	10	WA	Western Processing Co., Inc.	Kent
50	05	WI	Omega Hills North Landfill	Germantown
Group 2 (HRS Scores 58.41—55.97, except for state top priority sites)				
51	04	FL	American Creosote (Pensacola Pft)	Pensacola
52	02	NJ	Caldwell Trucking Co.	Fairfield
53	02	NY	GE Moreau	South Glen Falls
54	06	OK	Tar Creek (Ottawa County)	(Ottawa County)
55	07	KS	Cherokee County	Cherokee County
56	05	IN	Seymour Recycling Corp.*	Seymour
57	05	OH	United Scrap Lead Co., Inc.	Troy



## APPENDIX B.—NATIONAL PRIORITIES LIST (BY RANK), OCTOBER 1989—Continued

NPL Rank	EPA Reg	State	Site Name	City/County
58.	04	FL	Peak Oil Co./Bay Drum Co.	Tampa
59.	02	NJ	Brick Township Landfill	Brick Township
60.	02	NJ	Brook Industrial Park	Bound Brook
61.	05	MI	American Anodco, Inc.	Ionia
62.	10	WA	Frontier Hard Chrome, Inc.	Vancouver
63.	05	WI	Janesville Old Landfill	Janesville
64.	05	MI	Nothemaire Plating	Cadillac
65.	04	SC	Kalama Speciality Chemicals	Beaufort
66.	04	SC	Independent Nail Co.	Beaufort
67.	05	WI	Janesville Ash Beds	Janesville
68.	04	FL	Davia Landfill	Davie
69.	05	OH	Miami County Incinerator	Troy
70.	10	WA	General Electric (Spokane Shop)	Spokane
71.	04	FL	Gold Coast Oil Corp.	Miami
72.	09	AZ	Tucson International Airport Area	Tucson
73.	05	IN	International Minerals (E. Plant)	Terre Haute
74.	05	WI	Wheeler Pit	La Prairie Township
75.	09	CA	Operating Industries, Inc. Lndfil	Monterey Park
76.	02	NY	Wide Beach Development	Brant
77.	09	CA	Iron Mountain Mine	Redding
78.	02	NJ	Scientific Chemical Processing	Carlstadt
79.	05	MI	Gratiot County Landfill	St. Louis
80.	01	RI	Picillo Farm	Coventry
81.	01	MA	New Bedford Site	New Bedford
82.	06	LA	Old Inger Oil Refinery	Darrow
83.	05	OH	Chem-Dyne	Hamilton
84.	04	SC	SCRD Bluff Road	Columbia
85.	01	CT	Laurel Park, Inc.	Naugatuck Borough
86.	08	CO	Marshall Landfill	Boulder County
87.	05	IL	Outboard Marine Corp.	Waukegan
88.	06	NM	South Valley	Albuquerque
89.	01	VT	Pine Street Canal	Burlington
90.	03	WV	West Virginia Ordnance	Point Pleasant
91.	07	MO	Ellisville Site	Ellisville
92.	08	ND	Arsenic Trioxide Site	Southeastern ND
93.	07	IA	Aidex Corp.	Council Bluffs
94.	05	WI	N.W. Mauthe Co., Inc.	Appleton
95.	04	TN	North Hollywood Dump	Memphis
96.	04	KY	A.L. Taylor (Valley of Drums)	Brooks
97.	09	GU	Ordof Landfill	Guam
98.	04	MS	Flowood Site	Flowood
99.	08	UT	Rose Park Sludge Pit	Salt Lake City
100.	07	KS	Arkansas City Dump	Arkansas City
101.	08	CO	California Gulch	Leadville
102.	02	NJ	D'Imperio Property	Hamilton Township
103.	05	MN	Oakdale Dump	Oakdale
104.	05	IL	Parsons Casket Hardware Co.	Belvidere
105.	05	IL	A & F Material Reclaiming, Inc.	Greenup
106.	03	PA	Douglassville Disposal	Douglassville
107.	05	MN	Koppers Coke	St. Paul
108.	01	MA	Plymouth Harbor/Cannon Eng. Corp.	Plymouth
109.	10	ID	Bunker Hill Mining & Metallurg	Smelterville
110.	02	NY	Hudson River PCBs	Hudson River
111.	02	NJ	Universal Oil Products (Chem Div)	East Rutherford
112.	09	CA	Aerojet General Corp.	Rancho Cordova
113.	10	WA	Corn Bay, South Tacoma Channel	Tacoma
114.	03	PA	Osborne Landfill	Grove City
115.	08	UT	Portland Cement (Kiln Dust 2 & 3)	Salt Lake City
116.	01	CT	Old Southington Landfill	Southington
117.	02	NY	Syosset Landfill	Oyster Bay
118.	02	NY	Circuitron Corp.	East Farmingdale
119.	09	AZ	Nineteenth Avenue Landfill	Phoenix
120.	10	OR	Teledyne Wah Chang	Albany
121.	10	WA	Midway Landfill	Kent
122.	02	NY	Sinclair Refinery	Wellsville
123.	04	AL	Mowbray Engineering Co.	Greenville
124.	05	MI	Spiegelberg Landfill	Green Oak Township
125.	04	FL	Miami Drum Services	Miami
126.	02	NJ	Reich Farms	Pleasant Plains
127.	10	ID	Union Pacific Railroad Co.	Pocatello
128.	02	NJ	South Brunswick Landfill	South Brunswick
129.	03	PA	Raymark	Hatboro
130.	04	AL	Ciba-Geigy Corp. (McIntosh Plant)	McIntosh
131.	04	FL	Kassauf-Kimerling Battery	Tampa
132.	05	IL	Wauconda Sand & Gravel	Wauconda
133.	05	MI	Bofors Nobel, Inc.	Muskegon
134.	06	TX	Bailey Waste Disposal	Bridge City
135.	01	NH	Ottati & Goss/Kingston Steel Drum	Kingston
136.	05	MI	Ott/Story/Cordova Chemical Co.	Dafon Township



## APPENDIX B.—NATIONAL PRIORITIES LIST (BY RANK), OCTOBER 1989—Continued

NPL Rank	EPA Reg	State	Site Name	City/County
137	05	MI	Thermo-Chem, Inc.	Muskegon
138	09	CA	Brown & Bryant, Inc. (Arvin Plant)	Arvin
139	03	VA	Greenwood Chemical Co.	Newtown
140	02	NJ	NL Industries	Perdriektown
141	05	MN	St. Regis Paper Co.	Cass Lake
142	04	NC	Aberdeen Pesticide Dumps	Aberdeen
143	01	VT	Burgess Brothers Landfill	Woodford
144	02	NJ	Ringwood Mines/Landfill	Ringwood Borough
145	04	FL	Whitehouse Oil Pits	Whitehouse
146	04	GA	Hercules 009 Landfill	Brunswick
147	02	NY	Joes Sanitation	Hyde Park
148	05	MI	Velsicol Chemical (Michigan)	St. Louis
149	05	OH	Summite National	Deerfield Township
150	02	NY	Love Canal	Niagara Falls

## Group 4 (HRS Scores 52.15—49.09)

151	03	DE	Coker's Sanitation Service Lndfis.	Kent County
152	05	MI	Rockwell International (Allegan)	Allegan
153	05	MN	Pine Bend Sanitary Landfill	Dakota County
154	07	IA	Lawrence Todtz Farm	Comanche
155	05	IN	Fisher-Calo	LePorte
156	04	FL	Pioneer Sand Co.	Warrington
157	05	MI	Springfield Township Dump	Davisburg
158	03	PA	Hranica Landfill	Buffalo Township
159	04	NC	Martin-Marietta, Sodyeco, Inc.	Charlotte
160	03	PA	Hellertown Manufacturing Co.	Hellertown
161	04	FL	Zellwood Ground Water Contamin.	Zellwood
162	05	MI	Packaging Corp. of America	Filer City
163	05	WI	Muskego Sanitary Landfill	Muskego
164	10	ID	Kerr-McGee Chemical (Soda Springs)	Soda Springs
165	02	NY	Hooker (S Area)	Niagara Falls
166	03	PA	Lindane Dump	Harrison Township
167	08	CO	Central City-Clear Creek	Idaho Springs
168	02	NJ	Ventron/Velsicol	Wood Ridge Borough
169	04	FL	Taylor Road Landfill	Seffner
170	01	RI	Western Sand & Gravel	Burntville
171	02	NY	Rosen Brothers Scrap Yard/Dump	Cortland
172	04	SC	Koppers Co Inc (Florence Plant)	Florence
173	02	NJ	Maywood Chemical Co.	Maywood/Rochelle Park
174	02	NJ	Nascolite Corp.	Milville
175	05	OH	Industrial Excess Landfill	Uniontown
176	06	OK	Hardage/Griner	Griner
177	05	MI	Rose Township Dump	Rose Township
178	05	MN	Waste Disposal Engineering	Andover
179	02	NY	Liberty Industrial Finishing	Farmingdale
180	02	NJ	Kin-Buc Landfill	Edison Township
181	05	IN	Waste, Inc., Landfill	Michigan City
182	05	OH	Bowers Landfill	Circleville
183	06	TX	Brio Refining, Inc.	Friendswood
184	02	NJ	Ciba-Geigy Corp.	Toms River
185	05	MI	Butterworth #2 Landfill	Grand Rapids
186	02	NJ	American Dynamid Co.	Bound Brook
187	03	PA	HeLeva Landfill	North Whitehall Township
188	02	NJ	Ewan Property	Shamong Township
189	02	NY	Batavia Landfill	Batavia
190	05	IL	Woodstock Municipal Landfill	Woodstock
191	05	MN	Boise Cascade/Onan/Medtronics	Fridley
192	01	RI	Landfill & Resource Recovery	North Smithfield
193	03	PA	Butler Mine Tunnel	Pittston
194	04	FL	Northwest 58th Street Landfill	Hialeah
195	02	NJ	Deilah Road	Egg Harbor Township
196	03	PA	Mill Creek Dump	Erie
197	02	NJ	Glen Ridge Radium Site	Glen Ridge
198	02	NJ	Montclair/West Orange Radium Site	Montclair/W Orange
199	01	CT	Precision Plating Corp.	Vernon
200	04	FL	Sixty-Second Street Dump	Tampa

## Group 5 (HRS Scores 49.09 - 46.77)

201	05	MI	G&H Landfill	Utica
202	01	VT	Bennington Municipal Sanitary Lfi	Bennington
203	04	NC	Celanese (Shelby Fiber Operations)	Shelby
204	02	NJ	Meta tec/Aerosystems	Franklin Borough
205	05	WI	Schmalz Dump	Harrison
206	05	MI	Motor Wheel, Inc.	Lansing
207	09	CA	Southern Calif Edison (Visalia)	Visalia
208	02	NJ	Lang Property	Pemberton Township
209	06	TX	Stewco, Inc.	Waskom
210	02	NJ	Sharkey Landfill	Parsippany/Troy Hls

## APPENDIX B.—NATIONAL PRIORITIES LIST (BY RANK), OCTOBER 1989—Continued

NPL Rank	EPA Reg	State	Site Name	City/County
211	09	CA	Selma Treating Co.	Selma
212	06	LA	Cleve Reber	Sorrento
213	05	IL	Velsicol Chemical (Illinois)	Marshall
214	07	MO	Wheeling Disposal Service Co. Lf	Amazonia
215	05	MI	Tar Lake	Mancelona Township
216	02	NY	Johnstown City Landfill	Town of Johnstown
217	04	NC	NC State U (Lot 86, Farm Unit #1)	Raleigh
218	08	CO	Lowry Landfill	Arapahoe County
219	05	MN	MacGillis & Gibbs/Bell Lumber	New Brighton
220	03	PA	Hunterstown Road	Straban Township
221	03	MD	Woodlawn County Landfill	Woodlawn
222	05	WI	Hechimovich Sanitary Landfill	Williamstown
223	07	IA	Mid-America Tanning Co.	Sergeant Bluff
224	07	NE	Lindsay Manufacturing Co.	Lindsay
225	02	NJ	Combe Fill North Landfill	Mount Olive Twp
226	01	MA	Re-Solve, Inc.	Dartmouth
227	02	NJ	Goose Farm	Plumstead Township
228	04	TN	Velsicol Chem (Hardeman County)	Toone
229	02	NY	York Oil Co.	Moir
230	04	FL	Sapp Battery Salvage	Cottondale
231	04	SC	Wamchem, Inc.	Burton
232	02	NJ	Chemical Leaman Tank Lines, Inc.	Bridgeport
233	05	WI	Master Disposal Service Landfill	Brookfield
234	07	KS	Doepke Disposal (Holiday)	Johnson County
235	02	NJ	Florence Land Recontouring Lndfil	Florence Township
236	01	RI	Davis Liquid Waste	Smithfield
237	01	MA	Charles-George Reclamation Lndfil	Tyngsborough
238	02	NJ	King of Prussia	Winslow Township
239	03	VA	Chisman Creek	York County
240	05	OH	Nease Chemical	Salem
241	08	CO	Eagle Mine	Mintum/Redcliff
242	02	NJ	Chemical Control	Elizabeth
243	04	NC	Charles Macon Lagoon & Drum Stor.	Cordova
244	04	SC	Leonard Chemical Co., Inc.	Rock Hill
245	05	OH	Allied Chemical & Ironton Coke	Ironton
246	05	MI	Verona Well Field	Battle Creek
247	07	MO	Lee Chemical	Liberty
248	01	CT	Beacon Heights Landfill	Beacon Falls
249	04	AL	Stauffer Chem (Cold Creek Plant)	Bucks
250	05	MN	Burlington Northern (Brainerd)	Brainerd/Baxter

## Group 6 (HRS Scores 46.72—44.87)

251	05	MI	Torch Lake	Houghton County
252	01	RI	Central Landfill	Johnston
253	03	PA	Malvern TCE	Malvern
254	02	NY	Facet Enterprises, Inc.	Elmira
255	03	DE	Delaware Sand & Gravel Landfill	New Castle County
256	03	PA	Tonolli Corp.	Nesquehoning
257	04	NC	National Starch & Chemical Corp.	Salisbury
258	03	PA	MW Manufacturing	Valley Township
259	03	VA	C & R Battery Co., Inc.	Chesterfield County
260	04	TN	Murray-Ohio Dump	Lawrenceburg
261	05	IN	Envirochem Corp.	Zionsville
262	05	IN	MIDCO I	Gary
263	05	OH	Ormet Corp.	Hannibal
264	05	OH	South Point Plant	South Point
265	01	CT	Gallup's Quarry	Plainfield
266	03	PA	Whitmoyer Laboratories	Jackson Township
267	04	FL	Coleman-Evans Wood Preserving Co.	Whitehouse
268	02	NJ	Dayco Corp./L.E. Carpenter Co.	Wharton Borough
269	03	PA	Shriver's Corner	Straban Township
270	03	PA	Dorney Road Landfill	Upper Macungie Township
271	03	PA	Berks Landfill	Spring Township
272	05	IN	Northside Sanitary Landfill, Inc.	Zionsville
273	05	IL	Interstate Pollution Control, Inc.	Rockford
274	09	CA	Pacific Coast Pipe Lines	Fillmore
275	02	NJ	Global Sanitary Landfill	Old Bridge Township
276	04	FL	Florida Steel Corp.	Indiantown
277	03	PA	Occidental Chem/Firestone Tire	Lower Pottsgrove Township
278	03	VA	Culpeper Wood Preservers, Inc.	Culpeper
279	05	IL	Page's Pit	Rockford
280	05	MN	University Minn Rosemount Res Cen	Rosemount
281	05	MN	Freeway Sanitary Landfill	Burnsville
282	05	WI	Tomah Municipal Sanitary Landfill	Tomah
283	09	AZ	Litchfield Airport Area	Goodyear/Avondale
284	09	CA	Firestone Tire (Salinas Plant)	Salinas
285	02	NJ	Spence Farm	Plumstead Township

## APPENDIX B.—NATIONAL PRIORITIES LIST (BY RANK), OCTOBER 1989—Continued

NPL Rank	EPA Reg	State	Site Name	City/County
286	06	AR	Mid-South Wood Products	Mena
287	04	MS	Newsom Brothers/Old Reichhold	Columbia
288	09	CA	Atlas Asbestos Mine	Fresno County
289	09	CA	Coalinga Asbestos Mine	Coalinga
290	04	FL	Brown Wood Preserving	Live Oak
291	02	NY	Port Washington Landfill	Port Washington
292	05	IN	Columbus Old Municipal Lndfil #1	Columbus
293	02	NJ	Combe Fill South Landfill	Chester Township
294	02	NJ	JIS Landfill	Jamesburg/S. Brnsck
295	02	NY	Tronic Plating Co., Inc.	Farmingdale
296	03	PA	Centre County Kepone	State College Boro
297	04	FL	Agrico Chemical Co.	Pensacola
298	05	OH	Fields Brook	Ashtabula
299	01	CT	Solvents Recovery Service New Eng	Southington
300	08	CO	Woodbury Chemical Co.	Commerce City

## Group 7 (HRS Scores 44.86-42.69)

301	02	NJ	Waldick Aerospace Devices, Inc.	Wall Township
302	01	MA	Hocomonco Pond	Westborough
303	04	KY	Distler Brickyard	West Point
304	02	NY	Ramapo Landfill	Ramapo
305	09	CA	Coast Wood Preserving	Ukiah
306	09	CA	South Bay Asbestos Area	Alviso
307	02	NY	Mercury Refining, Inc.	Colonie
308	04	FL	Hollingsworth Solderless Terminal	Fort Lauderdale
309	02	NY	Olean Well Field	Olean
310	09	CA	Fairchild Semiconductor (S San Jose)	South San Jose
311	05	MN	Joslyn Manufacturing & Supply Co.	Brooklyn Center
312	03	PA	York County Solid Waste/Refuse Lf	Hopewell Township
313	05	WI	Spickler Landfill	Spencer
314	08	CO	Denver Radium Site	Denver
315	02	NY	Tri-Cities Barrel Co., Inc.	Port Crane
316	03	PA	Route 940 Drum Dump	Pocono Summit
317	04	FL	Tower Chemical Co.	Clermont
318	01	VT	Darling Hill Dump	Lyndon
319	03	PA	C&D Recycling	Foster Township
320	07	MO	Syntex Facility	Verona
321	08	MT	Milltown Reservoir Sediments	Milltown
322	05	MN	Arrowhead Refinery Co.	Hermantown
323	10	OR	Martin-Marietta Aluminum Co.	The Dalles
324	08	CO	Uravan Uranium (Union Carbide)	Uravan
325	02	NJ	Pajak Farm	Plumstead Township
326	02	NJ	Syncon Resins	South Kearny
327	05	MN	Oak Grove Sanitary Landfill	Oak Grove Township
328	09	CA	Liquid Gold Oil Corp.	Richmond
329	09	CA	Purity Oil Sales, Inc.	Malaga
330	01	NH	Tinkham Garage	Londonderry
331	04	FL	Alpha Chemical Corp.	Galloway
332	02	NJ	Bog Creek Farm	Howell Township
333	01	ME	Saco Tannery Waste Pits	Saco
334	03	PA	River Road Lf/Waste Mngmnt, Inc.	Hermitage
335	02	PR	Frontera Creek	Rio Abajo
336	04	FL	Pickettville Road Landfill	Jacksonville
337	05	OH	Alsco Anaconda	Gnadenhutten
338	01	MA	Iron Horse Park	Billerica
339	03	PA	Palmerton Zinc Pile	Palmerton
340	05	IN	Neal's Landfill (Bloomington)	Bloomington
341	05	WI	Kohler Co. Landfill	Kohler
342	04	AL	Interstate Lead Co. (ILCO)	Leeds
343	04	FL	Standard Auto Bumper Corp.	Hialeah
344	07	KS	Hydro-Flex Inc.	Topeka
345	09	AZ	Hassayampa Landfill	Hassayampa
346	06	LA	Gulf Coast Vacuum Services	Abbeville
347	05	IL	Tri-County Lf/Waste Mgmt Illinois	South Elgin
348	01	MA	Stiresim Chemical Corp.	Lowell
349	01	MA	Wells G&H	Woburn
350	01	CT	Nutmeg Valley Road	Wolcott

## Group 8 (HRS Scores 42.69-41.92)

351	02	NJ	Chemsol, Inc.	Piscataway
352	05	WI	Lauer I Sanitary Landfill	Menomonee Falls
353	05	MI	Petoskey Municipal Well Field	Petoskey
354	05	MN	Union Scrap Iron & Metal Co.	Minneapolis
355	02	NJ	Radiation Technology, Inc.	Rockaway Township
356	02	NJ	Fair Lawn Well Field	Fair Lawn
357	05	IN	Main Street Well Field	Elkhart
358	05	MN	Lehillier/Mankato Site	Lehillier/Mankato
359	10	WA	Lakewood Site	Lakewood

## APPENDIX B.—NATIONAL PRIORITIES LIST (BY RANK), OCTOBER 1989—Continued

NPL Rank	EPA Reg	State	Site Name	City/County
360	03	PA	Industrial Lane	Williams Township
361	05	IN	Fort Wayne Reduction Dump	Fort Wayne
362	05	WI	Onalaska Municipal Landfill	Onalaska
363	03	PA	A.J.W. Frank/Mid-County Mustang	Exton
364	05	WI	National Presto Industries, Inc.	Eau Claire
365	02	NJ	Monroe Township Landfill	Monroe Township
366	03	PA	Commodore Semiconductor Group	Lower Providence Township
367	02	NJ	Rockaway Borough Well Field	Rockaway Township
368	05	IL	Lez Oil Service, Inc.	Lemont
369	05	IN	Wayne Waste Oil	Columbia City
370	03	MD	Mid-Atlantic Wood Preservers, Inc.	Harmans
371	03	PA	Novak Sanitary Landfill	South Whitehall Township
372	10	ID	Pacific Hide & Fur Recycling Co.	Pocatello
373	07	IA	Des Moines TCE	Des Moines
374	02	NJ	Beachwood/Berkeley Wells	Berkley Township
375	02	NJ	South Jersey Clothing Co.	Minotola
376	02	NY	Vestal Water Supply Well 4-2	Vestal
377	02	PR	Vega Alta Public Supply Wells	Vega Alta
378	05	IL	Southeast Rockford Grnd Wtr Con.	Rockford
379	05	IN	Galen Myers Dump/Drum Salvage	Osceola
380	05	MI	Sturgis Municipal Wells	Sturgis
381	05	MI	Barrels, Inc.	Lansing
382	05	MN	Washington County Landfill	Lake Elmo
383	06	TX	Odessa Chromium #1	Odessa
384	06	TX	Odessa Chromium #2 (Andrews Hwy)	Odessa
385	07	IA	Electro-Coatings, Inc.	Cedar Rapids
386	07	NE	Hastings Ground Water Contamin	Hastings
387	09	AZ	Indian Bend Wash Area	Scottsdale/Tmpe/Phnx
388	09	CA	San Gabriel Valley (Area 1)	El Monte
389	09	CA	San Gabriel Valley (Area 2)	Baldwin Park Area
390	09	CA	San Fernando Valley (Area 1)	Los Angeles
391	09	CA	San Fernando Valley (Area 2)	Los Angeles/Glendale
392	09	CA	San Fernando Valley (Area 3)	Glendale
393	09	CA	T.H. Agriculture & Nutrition Co.	Fresno
394	10	WA	Corn Bay, Near Shore/Tide Flats	Pierce County
395	05	IL	LaSalle Electric Utilities	LaSalle
396	05	IL	Cross Brothers Pail (Pembroke)	Pembroke Township
397	04	NC	Jadco-Hughes Facility	Belmont
398	05	IN	Southside Sanitary Landfill	Indianapolis
399	02	NJ	Monitor Devices/Intercircuits Inc.	Wall Township
400	01	VT	BFI Sanitary Landfill (Rockingham)	Rockingham

## Group 9 (HRS Scores 41.92-39.93)

401	02	PR	Upjohn Facility	Barcelonaia
402	04	NC	Koppers Co., Inc. (Morrisville Plant)	Morrisville
403	09	CA	McColl	Fullerton
404	03	PA	Henderson Road	Upper Merion Township
405	02	NY	Hooker Chemical/Ruco Polymer Corp	Hicksville
406	10	WA	Colbert Landfill	Colbert
407	06	LA	Petro-Processors of Louisiana Inc	Scottsdale
408	02	NY	Applied Environmental Services	Glenwood Landing
409	02	PR	Barceloneta Landfill	Florida Afuera
410	01	NH	Tibbets Road	Barrington
411	03	MD	Sand, Gravel & Stone	Elkton
412	03	PA	Delta Quarries/Stotler Landfill	Antis/Logan Townships
413	01	CT	Revere Textile Prints Corp	Sterling
414	05	MI	Spartan Chemical Co.	Wyoming
415	02	NJ	Roebbing Steel Co	Florence
416	03	PA	East Mount Zion	Springettsbury Township
417	04	GA	T.H. Agricul. & Nutri. (Albany)	Albany
418	04	TN	Amnicola Dump	Chattanooga
419	02	NJ	Vineyard State School	Vineyard
420	09	AZ	Motorola, Inc. (52nd Street Plant)	Phoenix
421	01	MA	Groveland Wells	Groveland
422	02	NY	General Motors (Cent Foundry Div.)	Massena
423	01	NH	Mottolo Pig Farm	Raymond
424	03	VA	Buckingham County Landfill	Buckingham
425	04	SC	SCRD/ Dixiana	Cayce
426	05	MI	Roto-Finish Co., Inc.	Kalamazoo
427	05	MN	Olmsted County Sanitary Landfill	Oronoco
428	07	MO	Quality Plating	Sikeston
429	05	IN	Prestolite Battery Division	Vincennes
430	07	MO	Fulbright Landfill	Springfield
431	02	NJ	Williams Property	Swainton
432	02	NJ	Renora, Inc.	Edison Township
433	04	NC	FCX, Inc. (Washington Plant)	Washington
434	03	PA	Jacks Creek/Sitkin Smelting & Ref	Maitland



## APPENDIX B.—NATIONAL PRIORITIES LIST (BY RANK), OCTOBER 1989—Continued

NPL Rank	EPA Reg	State	Site Name	City/County
435	06	NM	Cleveland Mill	Silver City
436	02	NJ	Denzel & Schafer X-Ray Co.	Bayville
437	02	NJ	Hercules, Inc. (Gibbstown Plant)	Gibbstown
438	05	IN	Ninth Avenue Dump	Gary
439	03	MD	Bush Valley Landfill	Abingdon
440	04	SC	Golden Strip Septic Tank Service	Simpsonville
441	06	TX	Texarkana Wood Preserving Co.	Texarkana
442	06	AR	Gurley Pit	Edmondson
443	04	FL	Petroleum Products Corp.	Pembroke Park
444	01	RI	Peterson/Puritan, Inc.	Lincoln/Cumberland
445	07	MO	Times Beach Site	Times Beach
446	05	MI	Wash King Laundry	Pleasant Plains Township
447	05	MN	Whittaker Corp.	Minneapolis
448	05	WI	Algoma Municipal Landfill	Algoma
449	05	MN	NL Industries/Taracorp/Golden	St. Louis Park
450	09	CA	Westinghouse Elec (Sunnyvale Plt)	Sunnyvale

## Group 10 (HRS Scores 39.92-38.10)

451	01	CT	Kellogg-Deering Well Field	Norwalk
452	03	PA	Boarhead Farms	Bridgeton Township
453	01	MA	Cannon Engineering Corp. (CEC)	Bridgewater
454	05	MI	H. Brown Co., Inc.	Grand Rapids
455	02	NY	Nepera Chemical Co., Inc.	Maybrook
456	02	NY	Niagara County Refuse	Wheatfield
457	04	FL	Sherwood Medical Industries	Deland
458	04	AL	Olin Corp. (McIntosh Plant)	McIntosh
459	05	MI	Southwest Ottawa County Landfill	Park Township
460	02	NY	Kentucky Avenue Well Field	Horseheads
461	02	NY	Pasley Solvents & Chemicals, Inc.	Hempstead
462	06	TX	Sol Lynn/Industrial Transformers	Houston
463	02	NJ	Asbestos Dump	Millington
464	04	KY	Lee's Lane Landfill	Louisville
465	06	AR	Frit Industries	Walnut Ridge
466	05	OH	Fultz Landfill	Jackson Township
467	04	NC	New Hanover Cnty Airport Burn Pit	Wilmington
468	05	OH	Coshocton Landfill	Franklin Township
469	03	PA	AMP, Inc. (Glen Rock Facility)	Glen Rock
470	04	NC	JFD Electronics/Channel Master	Oxford
471	04	TN	Arlington Blending & Packaging	Arlington
472	06	LA	PAB Oil & Chemical Service, Inc.	Abbeville
473	04	FL	Sydney Mine Sludge Ponds	Brandon
474	06	NM	Cimarron Mining Corp.	Carizozo
475	01	RI	Davis (GSR) Landfill	Glocester
476	03	PA	Lord-Shope Landfill	Girard Township
477	10	WA	FMC Corp. (Yakima Plt)	Yakima
478	05	WI	Northern Engraving Co.	Sparta
479	06	TX	South Cavalcade Street	Houston
480	01	MA	PSC Resources	Palmer
481	05	MI	Forest Waste Products	Otisville
482	03	PA	Drake Chemical	Lock Haven
483	01	NH	Kearsarge Metallurgical Corp.	Conway
484	04	SC	Palmetto Wood Preserving	Dixiana
485	05	IL	Petersen Sand & Gravel	Libertyville
486	05	MI	Clare Water Supply	Clare
487	03	PA	Havertown PCP	Haverford
488	03	DE	New Castle Spill	New Castle County
489	07	MO	St. Louis Airport/HIS/Fut Coatings	St. Louis County
490	08	MT	Idaho Pole Co.	Bozeman
491	03	DE	NCR Corp. (Millsboro Plant)	Millsboro
492	05	IN	Lake Sandy Jo (M&M Landfill)	Gary
493	05	IL	Johns-Manville Corp.	Waukegan
494	05	MI	Chem Central	Wyoming Township
495	05	MI	Novaco Industries	Temperance
496	05	MN	Windom Dump	Windom
497	01	RI	Rose Hill Regional Landfill	South Kingstown
498	02	NJ	Jackson Township Landfill	Jackson Township
499	05	IL	NL Industries/Taracorp Lead Smelt	Granite City
500	04	KY	Red Penn Sanitation Co. Landfill	Peewee Valley

## Group 11 (HRS Scores 38.10-36.73)

501	05	MI	K&L Avenue Landfill	Oshtemo Township
502	05	OH	TRW, Inc. (Minerva Plant)	Minerva
503	10	WA	Kaiser Aluminum Mead Works	Mead
504	01	CT	Barkhamsted-New Hartford Landfill	Barkhamsted
505	05	MN	Perham Arsenic Site	Perham
506	05	MI	Charlevoix Municipal Well	Charlevoix
507	02	NJ	Montgomery Township Housing Devel	Montgomery Township

## APPENDIX B.—NATIONAL PRIORITIES LIST (BY RANK), OCTOBER 1989—Continued

NPL Rank	EPA Reg	State	Site Name	City/County
508	02	NJ	Rocky Hill Municipal Well	Rocky Hill Borough
509	02	NJ	Cinnaminson Ground Water Contamin	Cinnaminson Township
510	02	NY	Brewster Well Field	Putnam County
511	02	NY	Vestal Water Supply Well 1-1	Vestal
512	03	PA	Bally Ground Water Contamination	Bally Borough
513	04	FL	Chemform, Inc.	Pompano Beach
514	04	FL	Wilson Concepts of Florida, Inc.	Pompano Beach
515	04	NC	Bypass 601 Ground Water Contamin	Concord
516	04	OC	Lexington County Landfill Area	Cayce
517	07	MO	Solid State Circuits, Inc.	Republic
518	07	NE	Waverly Ground Water Contamin	Waverly
519	08	UT	Utah Power&Light/American Barrel	Salt Lake City
520	09	CA	Advanced Micro Devices, Inc.	Sunnyvale
521	10	WA	Hidden Valley Lndfl (Thun Field)	Pierce County
522	10	WA	Yakima Plating Co.	Yakima
523	05	MN	Nutting Truck & Caster Co.	Faribault
524	02	NJ	U.S. Radium Corp.	Orange
525	05	MI	Carter Industries, Inc.	Detroit
526	06	TX	Highlands Acid pit	Highlands
527	03	PA	Resin Disposal	Jefferson-Borough
528	08	MT	Libby Ground Water Contamination	Libby
529	04	KY	Newport Dump	Newport
530	03	PA	Moyers Landfill	Eagleville
531	01	NH	Savage Municipal Water Supply	Milford
532	05	MN	LaGrand Sanitary Landfill	LaGrand Township
533	05	IN	Poor Farm	Hancock County
534	03	PA	Brown's Battery Breaking	Shoemakersville
535	02	NY	SMS Instruments, Inc.	Deer Park
536	05	MI	Hedblum Industries	Oscoda
537	06	TX	United Creosoting Co.	Conroe
538	02	NY	Byron Barrel & Drum	Bryon
539	08	WY	Baxter/Union Pacific Tie Treating	Laramie
540	02	NY	Anchor Chemicals	Hicksville
541	05	MI	Waste Management-Mich (Holland)	Holland
542	06	TX	North Cavalcade Street	Houston
543	02	NJ	Sayreville Landfill	Sayreville
544	01	NH	Dover Municipal Landfill	Dover
545	02	NY	Ludlow Sand & Gravel	Clayville
546	03	VA	Saunders Supply Co.	Chuckatuck
547	05	WI	City Disposal Corp. Landfill	Dunn
548	02	NJ	Tabernacle Drum Dump	Tabernacle Township
549	07	MO	Minker/Stout/Romaine Creek	Imperial
550	04	KY	Howe Valley Landfill	Howe Valley

## Group 12 (HRS Scores 36.72—35.57)

551	01	CT	Yaworski Waste Lagoon	Canterbury
552	03	WV	Leetown Pesticide	Leetown
553	04	SC	Rochester Property	Travelers Rest
554	04	FL	Cabot/Koppers	Gainesville
555	02	NJ	Evor Phillips Leasing	Old Bridge Township
556	03	PA	William Dick Lagoons	West Cain Township
557	05	IN	Douglass Road/Uniroyal, Inc., Lt	Mishawaka
558	03	PA	Lackawanna Refuse	Old Forge Borough
559	06	OK	Compass Industries (Avery Drive)	Tulsa
560	02	NJ	Mannheim Avenue Dump	Galloway Township
561	05	IN	Neal's Dump (Spencer)	Spencer
562	02	NY	Fulton Terminals	Fulton
563	06	LA	Dutchtown Treatment Plant	Ascension Parish
564	03	PA	Westinghouse Elevator Co. Plant	Gettysburg
565	01	NH	Auburn Road Landfill	Londonderry
566	03	WV	Fike Chemical Inc.	Nitro
567	05	MN	General Mills/Henkel Corp.	Minneapolis
568	04	TN	Wrigley Charcoal Plant	Wrigley
569	05	OH	Laskin/Poplar Oil Co.	Jefferson Township
570	05	OH	Old Mill	Rock Creek
571	07	KS	Johns' Sludge Pond	Wichita
572	05	WI	Stoughton City Landfill	Stoughton
573	09	CA	Del Norte Pesticide Storage	Crescent City
574	01	VT	Transitor Electronics, Inc.	Bennington
575	02	NJ	De Rawal Chemical Co.	Kingwood Township
576	03	PA	Middletown Air Field	Middletown
577	02	NJ	Swope Oil & Chemical Co.	Pennsauken
578	04	GA	Monsanto Corp. (Augusta Plant)	Augusta
579	01	NH	South Municipal Water Supply Well	Peterborough
580	01	ME	Winthrop Landfill	Winthrop
581	03	WV	Ordinance Works Disposal Areas	Morgantown
582	05	OH	Zanesville Well Field	Zanesville
583	02	NY	Suffern Village Well Field	Village of Suffern
584	02	NY	Endicott Village Well Field	Village of Endicott

## APPENDIX B.—NATIONAL PRIORITIES LIST (BY RANK), OCTOBER 1989—Continued

NPL Rank	EPA Reg	State	Site Name	City/County
585	03	DE	Dover Gas Light Co.	Dover
586	03	PA	Aladdin Plating	Scott Township
587	03	PA	North Penn—Area 1	Souderton
588	03	PA	North Penn—Area 7	North Wales
589	03	PA	North Penn—Area 6	Lansdale
590	03	PA	North Penn—Area 2	Hatfield
591	03	PA	North Penn—Area 5	Montgomery Township
592	04	FL	Harris Corp. (Palm Bay Plant)	Palm Bay
593	05	MN	Kummer Sanitary Landfill	Bemidji
594	05	OH	Sanitary Landfill Co. (IWD)	Dayton
595	05	WI	Eau Claire Municipal Well Field	Eau Claire
596	06	NM	Pagano Salvage	Los Lunas
597	07	MO	Valley Park ICE	Valley Park
598	09	CA	San Fernando Valley (Area 4)	Los Angeles
599	09	CA	Monolithic Memories	Sunnyvale
600	09	CA	National Semiconductor Corp.	Santa Clara

## Group 13 (HRS Scores 35.57 - 34.60)

601	09	CA	Fresno Municipal Sanitary Lndfill	Fresno
602	09	CA	Newmark Ground Water Contamin	San Bernardino
603	04	GA	Powersville Site	Peach County
604	05	MI	Grand Traverse Overall Supply Co	Greilickville
605	05	MI	Metamora Landfill	Metamora
606	05	MI	Whitehall Municipal Wells	Whitehall
607	03	DE	Standard Chlorine of Delaware, Inc.	Delaware City
608	05	MN	South Andover Site	Andover
609	02	NJ	Diamond Alkali Co	Newark
610	05	IN	Carter Lee Lumber Co	Indianapolis
611	01	NH	Fletcher's Paint Works & Storage	Milford
612	03	VA	Avtex Fibers, Inc.	Front Royal
613	05	MI	Kentwood Landfill	Kentwood
614	05	MI	Electrovoice	Buchanan
615	09	CA	Jasco Chemical Corp	Mountain View
616	02	NY	Katonah Municipal Well	Town of Bedford
617	09	CA	Teledyne Semiconductor	Mountain View
618	02	PR	Fibers Public Supply Wells	Jobos
619	03	VA	Dixie Cavens County Landfill	Salem
620	05	IN	Marion (Bragg) Dump	Marion
621	05	OH	Pristine, Inc.	Reading
622	05	WI	Mid-State Disposal, Inc. Landfill	Cleveland Township
623	04	TN	American Creosote (Jackson Plant)	Jackson
624	08	CO	Broderick Wood Products	Denver
625	02	NY	C & J Disposal Leasing Co. Cump	Hamilton
626	05	OH	Buckeye Reclamation	St. Clairsville
627	02	NY	Preferred Plating Corp	Farmingdale
628	06	TX	Bio-Ecology Systems, Inc.	Grand Prairie
629	08	UT	Monticello Rad Contaminated Props	Monticello
630	02	NJ	Woodland Route 532 Dump	Woodland Township
631	05	IN	American Chemical Service, Inc.	Griffith
632	01	MA	Salem Acres	Salem
633	02	NY	Richardson Hill Road Lndfill/Pond	Sidney Center
634	01	VT	Old Springfield Landfill	Springfield
635	03	PA	Bell Landfill	Terry Township
636	02	NY	Solvent Savers	Lincklaen
637	03	VA	U.S. Titanium	Piney River
638	05	IL	Galesburg/Koopers Co.	Galesburg
639	09	CA	J.H. Baxter & Co.	Weed
640	02	NY	Hooker (Hyde Park)	Niagara Falls
641	05	MI	SCA Independent Landfill	Muskegon Heights
642	02	NY	Action Anodizing, Plating Polish	Coplugus
643	09	CA	MGM Brakes	Clovardale
644	06	LA	Bayou Sorrel Site	Bayou Sorrel
645	05	MI	Duell & Gardner Landfill	Dalton Township
646	10	WA	Mica Landfill	Mica
647	02	NJ	Ellis Property	Evesham Township
648	04	KY	Distler Farm	Jefferson County
649	09	CA	Waste Disposal, Inc.	Santa Fe Springs
650	10	WA	Harbor Island (Lead)	Seattle

## Group 14 (HRS Scores 34.58 - 33.76)

651	05	WI	Lemberger Transport & Recycling	Franklin Township
652	05	OH	E.H. Schilling Landfill	Hamilton Township
653	05	MI	Cliff/Dow Dump	Marquette
654	02	NY	Clothier Disposal	Town of Granby
655	03	PA	Ambler Asbestos Piles	Ambler
656	10	WA	Queen City Farms	Maple Valley
657	02	NJ	Curcio Scrap Metal, Inc.	Saddle Brook Township
658	03	VA	L.A. Clarke & Son	Spotsylvania County

## APPENDIX B.—NATIONAL PRIORITIES LIST (BY RANK), OCTOBER 1989—Continued

NPL Rank	EPA Reg	State	Site Name	City/County
659	05	WI	Scrap Processing Co. Inc.	Medford
660	03	MD	Southern Maryland Wood Treating	Hollywood
661	05	IL	Ilada Energy Co.	East Cape Girardeau
662	05	WI	Sauk County Landfill	Excelsior
663	06	NM	Homestake Mining Co.	Milan
664	06	TX	Dixie Oil Processors, Inc.	Friendswood
665	09	CA	Beckman Instruments (Porterville)	Porterville
666	04	FL	Dubose Oil Products Co.	Cantonment
667	05	MI	Mason County Landfill	Pere Marquette Township
668	05	MI	Cemetery Dump	Rose Center
669	07	IA	Red Oak City Landfill	Red Oak
670	05	IN	Lakeland Disposal Service, Inc.	Claypool
671	02	NJ	Hopkins Farm	Plumstead Township
672	04	NC	Cape Fear Wood Preserving	Fayetteville
673	01	RI	Stamina Mills, Inc.	North Smithfield
674	05	WI	Lemberger Landfill, Inc.	Whitelaw
675	05	IN	Reilly Tar (Indianapolis Plant)	Indianapolis
676	01	ME	Pinette's Salvage Yard	Washburn
677	01	CT	Durham Meadows	Durham
678	05	MI	Kysor Industrial Corp.	Cadillac
679	09	CA	Lorentz Barrel & Drum Co.	San Jose
680	02	NJ	Wilson Farm	Plumstead Township
681	02	NY	Conklin Dumps	Conklin
682	03	PA	Old City of York Landfill	Seven Valleys
683	03	PA	Modern Sanitation Landfill	Lower Windsor Township
684	05	IL	Byron Salvage Yard	Byron
685	05	MI	North Bronson Industrial Area	Bronson
686	03	PA	Stanley Kessler	King of Prussia
687	07	MO	Kem-Pest Laboratories	Cape Girardeau
688	02	NJ	Imperial Oil-Champion Chemicals	Morganville
689	02	NJ	Cosden Chemical Coatings Corp.	Beverly
690	05	MN	St. Augusta San Lndfl/Engen Dump	St. Augusta Township
691	02	NJ	Myers Property	Franklin Township
692	02	NJ	Peps Field	Boonton
693	04	KY	Tri-City Disposal Co.	Shepherdsville
694	10	WA	Northwest Transformer	Everson
695	02	NY	Genzale Plating Co.	Franklin Square
696	05	MI	Albion-Sheridan Township Landfill	Albion
697	05	WI	Sheboygan Harbor & River	Sheboygan
698	05	MI	Ossineke Ground Water Contamin.	Ossineke
699	03	WV	Follansbee Site	Follansbee
700	03	PA	Keystone Sanitation Landfill	Union township

## Group 15 (HRS Scores 33.76-32.38)

701	04	NC	Carolina Transformer Co.	Fayetteville
702	02	NY	North Sea Municipal Landfill	North Sea
703	03	PA	Bendix Flight Systems Division	Bridgewater Township
704	09	CA	Koppers Co. Inc. (Oroville Plant)	Oroville
705	09	CA	Louisiana-Pacific Corp.	Oroville
706	03	VA	H & H Inc., Burn Pit	Farrington
707	05	MI	South Macomb Disposal (Lf 9 & 9A)	Macomb Township
708	05	MI	U.S. Aviox	Howard Township
709	03	PA	Welsh Landfill	Honeybrook Township
710	02	NJ	Landfill & Development Co.	Mount Holly
711	02	NJ	Upper Deerfield Township San Lndf	Upper Deerfield Township
712	02	NY	Hertel Landfill	Plattekill
713	02	NY	Haviland Complex	Town of Hyde Park
714	02	NY	Malta Rocket Fuel Area	Malta
715	04	GA	Cedartown Municipal Landfill	Cedartown
716	05	MI	Kent City Mobile Home Park	Kent City
717	05	MN	Adrian Municipal Well Field	Adrian
718	06	NM	AT & SF (Clovis)	Clovis
719	07	KS	Strother Field Industrial Park	Cowley County
720	07	KS	Obee Road	Hutchinson
721	02	NJ	Fried Industries	East Brunswick Township
722	02	NY	American Thermostat Co.	South Cairo
723	08	ND	Minot Landfill	Minot
724	04	TN	Lewisburg Dump	Lewisburg
725	05	MI	McGraw Edison Corp.	Albion
726	02	NY	Goldisc Recordings, Inc.	Holbrook
727	02	NY	Islip Municipal Sanitary Landfill	Islip
728	04	KY	Airco	Calvert City
729	03	PA	Metal Banks	Philadelphia
730	05	IL	Yeoman Creek Landfill	Waukegan
731	02	NY	Samney Farm	Amenia
732	05	MI	Folkertsma Refuse	Grand Rapids
733	01	MA	Rose Disposal Pit	Lanesboro



## APPENDIX B.—NATIONAL PRIORITIES LIST (BY RANK), OCTOBER 1989—Continued

NPL Rank	EPA Reg	State	Site Name	City/County
734	05	OH	Van Dale Junkyard	Marietta
735	08	MT	Montana Pole and Treating	Butte
736	04	NC	Geigy Chemical Corp (Aberdeen Pit)	Aberdeen
737	04	KY	B.F. Goodrich	Calvert City
738	05	MI	Organic Chemicals, Inc.	Grandville
739	02	NY	BioClinical Laboratories, Inc.	Bohemia
740	02	NY	Volney Municipal Landfill	Town of Volney
741	02	NY	FMC Corp. (Dublin Road Landfill)	Town of Shelby
742	05	WI	Tomah Fairgrounds	Tomah
743	01	MA	Sullivan's Ledge	New Bedford
744	04	KY	Smith's Farm	Brooks
745	10	OR	Joseph Forest Products	Joseph
746	02	PR	Juncos Landfill	Juncos
747	07	KS	Big River Sand Co.	Wichita
748	05	IN	Bennett Stone Quarry	Bloomington
749	10	WA	Wyckoff Co./Eagle Harbor	Bainbridge Island
750	02	NJ	Industrial Latex Corp.	Wallington Borough

## Group 16 (HRS Scores 32.37—31.62)

751	04	FL	Munisport Landfill	North Miami
752	06	LA	D.L. Mud, Inc.	Abbeville
753	04	AL	Stauffer Chem (LeMoyne Plant)	Axis
754	02	NJ	M&T Delisa Landfill	Asbury Park
755	06	TX	Crystal City Airport	Crystal City
756	04	SC	Geiger (C & M Oil)	Rantoulles
757	05	WI	Moss-American (Kerr-McGee Oil Co.)	Milwaukee
758	05	WI	Waste Research & Reclamation Co.	Eau Claire
759	10	OR	Gould, Inc.	Portland
760	01	ME	Union Chemical Co., Inc.	South Hope
761	02	NY	Cortese Landfill	Vil of Narrowsburg
762	09	CA	Montross Chemical Corp.	Torrance
763	05	MN	St. Louis River Site	St. Louis County
764	05	MI	Auto Ion Chemicals, Inc.	Kalamazoo
765	03	PA	Recticon/Allied Steel Corp.	East Coventry Township
766	05	WI	Hagen Farm	Stoughton
767	04	SC	Carolawn, Inc.	Fort Lawn
768	07	IA	Midwest Manufacturing/North Farm	Kellogg
769	03	PA	Berks Sand Pit	Longswamp Township
770	09	CA	Valley Wood Preserving, Inc.	Turlock
771	03	PA	Butz Landfill	Stroudsburg
772	04	FL	City Industries, Inc.	Orlando
773	05	MI	Sparta Landfill	Sparta Township
774	05	IL	Acme Solvent (Morrison Plant)	Morristown
775	01	NH	Holton Circle Ground Water Contam.	Londonderry
776	02	NJ	Pomona Oaks Resident Wells	Galloway Township
777	02	NY	Rowe Industries Ground Water Cont.	Noyack/Sag Harbor
778	03	PA	Hebelka Auto Salvage Yard	Weisenberg Township
779	04	FL	Hipps Road Landfill	Duval County
780	05	MN	Long Prairie Ground Water Contam.	Long Prairie
781	05	MN	Waite Park Wells	Waite Park
782	09	CA	Applied Materials	Santa Clara
783	09	CA	Intel Magnetics	Santa Clara
784	09	CA	Intel Corp. (Santa Clara III)	Santa Clara
785	09	CA	Synertek, Inc. (Building 1)	Santa Clara
786	04	FL	Pepper Steel & Alloys, Inc.	Medley
787	02	NY	Mattiace Petrochemical Co., Inc.	Glen Cove
788	01	ME	O'Connor Co.	Augusta
789	05	WI	Oconomowoc Electroplating Co. Inc.	Ashippin
790	05	IN	Continental Steel Corp.	Kokomo
791	05	MI	Rasmussen's Dump	Green Oak Township
792	02	NY	Kenmark Textile Corp.	Farmingdale
793	04	FL	Wingate Road Munic Incinerat Dump	Fort Lauderdale
794	03	PA	Westline Site	Westline
795	04	KY	Maxey Flats Nuclear Disposal	Hillsboro
796	04	NC	Benfield Industries, Inc.	Hazelwood
797	08	MT	Mouat Industries	Columbus
798	05	MI	J & L Landfill	Rochester Hills
799	02	NY	Claremont Polychemical	Old Bethpage
800	05	OH	Powell Road Landfill	Dayton

## Group 17 (HRS Scores 31.60—30.44)

801	03	PA	Croydon TCE	Croydon
802	04	SC	Medley Farm Drum Dump	Gaffney
803	04	SC	Elmore Waste Disposal	Greer
804	07	IA	Vogel Paint & Wax Co.	Orange City
805	05	MN	Kurt Manufacturing Co.	Fridley
806	05	MI	Parsons Chemical Works, Inc.	Grand Ledge
807	03	PA	Revere Chemical Co.	Nockambton Township

APPENDIX B.—NATIONAL PRIORITIES LIST (BY RANK), OCTOBER 1989—Continued

NPL Rank	EPA Reg	State	Site Name	City/County
808	05	MI	Ionia City Landfill	Ionia
809	06	TX	Koppers Co., Inc. (Texarkana Plant)	Texarkana
810	08	CO	Lincoln Park	Canon City
811	08	CO	Smuggler Mountain	Pitkin County
812	05	IN	Wedzeb Enterprises, Inc.	Lebanon
813	02	PR	GE Wiring Devices	Juana Diaz
814	05	MI	Avenue "E" Ground Water Contamin	Traverse City
815	05	OH	New Lyme Landfill	New Lyme
816	02	NJ	Woodland Route 72 Dump	Woodland Township
817	02	PR	RCA Del Caribe	Barceloneta
818	05	MN	Koch Refining Co./N-Ren Corp	Pine Bend
819	03	PA	Brodhead Creek	Stroudsburg
820	05	WI	Fadowski Drum Disposal	Franklin
821	10	OR	United Chrome Products, Inc.	Corvallis
822	03	PA	Eastern Diversified Metals	Hometown
823	05	MI	Anderson Development Co	Adrian
824	05	WI	Hunts Disposal Landfill	Caledonia
825	05	MI	Shiawassee River	Howell
826	06	OK	Tenth Street Dump/Junkyard	Oklahoma City
827	10	AK	Alaska Battery Enterprises	Fairbanks N Star Borough
828	03	PA	Taylor Borough Dump	Taylor Borough
829	03	DE	Halby Chemical Co	New Castle
830	06	OK	Double Eagle Refinery Co	Oklahoma City
831	04	GA	Mathis Bros Lf (S Marble Top Rd.)	Kensington
832	03	DE	Harvey & Knott Drum, Inc	Kirkwood
833	04	TN	Galloway Pits	Galloway
834	05	OH	Big D Campground	Kingsville
835	06	AR	Midland Products	Ola/Birta
836	02	NY	Robintech, Inc./National Pipe Co	Town of Vestal
837	02	NY	BEC Trucking	Town of Vestal
838	03	PA	Strasburg Landfill	Newlin Township
839	06	OK	Fourth Street Abandoned Refinery	Oklahoma City
840	02	NJ	Witco Chemical Corp. (Oakland Plt)	Oakland
841	05	WI	Tomah Armory	Tomah
842	03	DE	Wildcat Landfill	Dover
843	05	MI	Burrows Sanitation	Hartford
844	03	PA	Blosenski Landfill	West Cain Township
845	03	VA	Rhinehart Tire Fire Dump	Frederick County
846	03	DE	Delaware City PVC Plant	Delaware City
847	03	MD	Limestone Road	Cumberland
848	02	NY	Hooker (102nd Street)	Niagara Falls
849	02	NJ	Higgins Farm	Franklin Township
850	10	WA	American Crossarm & Conduit Co	Chehalis

Group 18 (HRS Scores 30.36-29.07)

851	06	NM	United Nuclear Corp.	Church Rock
852	03	PA	Reeser's Landfill	Upper Macungie Township
853	03	VA	Rentokil, Inc. (VA Wood Pres. Div.)	Richmond
854	06	AR	Industrial Waste Control	Fort Smith
855	09	CA	Celtor Chemical Works	Hoopa
856	01	MA	Haverhill Municipal Landfill	Haverhill
857	04	AL	Perdido Ground Water Contamin	Perdido
858	02	NY	Marathon Battery Corp.	Cold Springs
859	02	NY	Colesville Municipal Landfill	Town of Colesville
860	04	FL	Yellow Water Road Dump	Baldwin
861	04	GA	Marzone Inc./Chevron Chemical Co	Tifton
862	05	OH	Skinner Landfill	West Chester
863	03	VA	First Piedmont Quarry (Route 719)	Pittsylvania County
864	04	NC	Chemtronics, Inc.	Swannanoa
865	05	IN	MIDCO II	Gary
866	06	TX	Sheridan Disposal Services	Hempstead
867	07	KS	Pester Refinery Co	El Dorado
868	03	MD	Kane & Lombard Street Drums	Baltimore
869	07	MO	Shenandoah Stables	Moscow Mills
870	04	GA	Firestone Tire (Albany Plant)	Albany
871	07	IA	Shaw Avenue Dump	Charles City
872	03	PA	Berkley Products Co. Dump	Denver
873	10	WA	Silver Mountain Mine	Loomis
874	06	TX	Petro-Chemical (Turtle Bayou)	Liberty County
875	05	OH	Republic Steel Corp. Quarry	Elyria
876	07	MO	Conservation Chemical Co	Kansas City
877	05	MN	Ritari Post & Pole	Sebekka
878	06	LA	Bayou Bonfouca	Slidell
879	09	CA	Intel Corp. (Mountain View Plant)	Mountain View
880	09	CA	Raytheon Corp	Mountain View
881	05	MN	Agate Lake Scrapyard	Fairview Township
882	05	MI	Adam's Plating	Lansing

## APPENDIX B.—NATIONAL PRIORITIES LIST (BY RANK), OCTOBER 1989—Continued

NPL Rank	EPA Reg	State	Site Name	City/County
883	06	AR	Jacksonville Municipal Landfill	Jacksonville
884	06	AR	Rogers Road Municipal Landfill	Jacksonville
885	03	VA	Saltville Waste Disposal Ponds	Saltville
886	04	SC	Palmetto Recycling, Inc.	Columbia
887	01	MA	Shpack Landfill	Norton/Attleboro
888	03	PA	Kimberton Site	Kimberton Borough
889	04	TN	Mallory Capacitor Co.	Waynesboro
890	01	MA	Norwood PCBs	Norwood
891	02	NY	Warwick Landfill	Warwick
892	02	NY	Sidney Landfill	Sidney
893	10	WA	Pesticide Lab (Yakima)	Yakima
894	05	IN	Lemon Lane Landfill	Bloomington
895	05	IN	Tri-State Plating	Columbus
896	10	ID	Arcom (Drexler Enterprises)	Rathdrum
897	01	NH	Coakley Landfill	North Hampton
898	04	NC	Potter's Septic Tank Service Pits	Macon
899	04	NC	ABC One Hour Cleaners	Jacksonville
900	03	PA	Fischer & Porter Co.	Warminster

## Group 19 (HRS Scores 28.98-28.50, except for health-advisory sites)

901	03	PA	Elizabethtown Landfill	Elizabethtown
902	06	AR	Arkwood, Inc.	Omaha
903	09	CA	Jibboom Junkyard	Sacramento
904	02	NJ	A. O. Polymer	Sparta Township
905	05	WI	Wausau Ground Water Contamination	Wausau
906	02	NJ	Dover Municipal Well 4	Dover Township
907	02	NJ	Rockaway Township Wells	Rockaway
908	02	NJ	Pohatcong Valley Ground Water Con.	Warren County
909	02	NJ	Garden State Cleaners Co.	Minotola
910	03	DE	Sussex County Landfill No. 5	Laurel
911	05	WI	Delavan Municipal Well #4	Delavan
912	07	MO	North-U Drive Well Contamination	Springfield
913	09	CA	San Gabriel Valley (Area 3)	Alhambra
914	09	CA	San Gabriel Valley (Area 4)	La Puente
915	09	CA	Modesto Ground Water Contamin.	Modesto
916	10	WA	American Lake Gardens	Tacoma
917	10	WA	Greenacres Landfill	Spokane County
918	10	WA	Northside Landfill	Spokane
919	06	OK	Sand Springs Petrochemical Cmplx.	Sand Springs
920	06	TX	Pesses Chemical Co.	Fort Worth
921	05	MN	East Bethel Demolition Landfill	East Bethel Township
922	06	TX	Triangle Chemical Co.	Bridge City
923	02	NJ	PJP Landfill	Jersey City
924	03	PA	Craig Farm Drum	Parker
925	05	IL	Belvidere Municipal Landfill	Belvidere
926	07	MO	Bee Cee Manufacturing Co.	Malden
927	03	PA	CryoChem, Inc.	Worman
928	02	NJ	Kauffman & Minter, Inc.	Jobstown
929	03	PA	Lansdowne Radiation Site	Lansdowne

\* = State top priority site.  
Number of NPL Sites: 929.

## NATIONAL PRIORITIES LIST, FEDERAL SECTION (BY GROUP), OCTOBER 1989

NPL Groups <sup>1</sup>	State	Site Name	City/County
1	WA	Hanford 200-Area (USDOE)	Benton County
1	WA	Hanford 300-Area (USDOE)	Benton County
1	CO	Rocky Flats Plant (USDOE)	Golden
1	NM	Cal West Metals (USSBA)	Lemitar
1	MO	Weldon Spring (USDOE/Army)	St. Charles County
2	TN	Milan Army Ammunition Plant	Milan
2	CO	Rocky Mountain Arsenal	Adams County
2	CA	McClellan AFB (Ground Water Cont.)	Sacramento
2	PA	Naval Air Develop Center (8 Areas)	Warminster Township
2	OH	Wright-Patterson Air Force Base	Dayton
4	AL	Anniston Army Depot (SE Ind Area)	Anniston
4	GA	Robins AFB (Lndfil #4/Sludge Lag)	Houston County
4	NE	Cornhusker Army Ammunition Plant	Hall County
4	NJ	Naval Air Engineering Center	Lakehurst
4	UT	Hill Air Force Base	Ogden
5	NJ	W.R. Grace/Wayne Int Stor (USDOE)	Wayne Township
6	WA	Hanford 100-Area (USDOE)	Benton County
6	UT	Ogden Defense Depot	Ogden
7	CA	Sacramento Army Depot	Sacramento
7	IL	Sangamo/Crab Orchard NWR (USDOI)	Cartersville
7	ME	Brunswick Naval Air Station	Brunswick

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52****[FRL-3655-9]****Approval and Promulgation of Implementation Plans; Wisconsin State Implementation Plan; Withdrawal****AGENCY:** United States Environmental Protection Agency (USEPA).**ACTION:** Notice of proposed rulemaking—Withdrawal.

**SUMMARY:** On February 22, 1989, (54 FR 7572), USEPA proposed to disapprove a site-specific revision to the Wisconsin State Implementation Plan (SIP) for ozone. This proposed revision had been submitted by the Wisconsin Department of Natural Resources as a revision to the Wisconsin SIP and consisted of portions of Wisconsin's 1987 Act 27, which created a program for allocating any growth allowance for sources of volatile organic compounds in Southeastern Wisconsin.

Wisconsin subsequently withdrew this revision to its SIP from further USEPA rulemaking. Thus, USEPA is withdrawing its February 22, 1989, proposal.

**EFFECTIVE DATE:** October 4, 1989.

**ADDRESSES:** Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Fayette Bright, (312) 886-6069, before visiting the Region V Office.)

U.S. Environmental Protection Agency,  
Region V, Air and Radiation Branch,  
230 South Dearborn Street, Chicago,  
Illinois 60604.

Wisconsin Department of Natural  
Resources, Bureau of Air  
Management, 101 South Webster,  
Madison, Wisconsin 53707.

**FOR FURTHER INFORMATION CONTACT:**  
Fayette Bright, Air and Radiation  
Branch (5AR-26), U.S. Environmental  
Protection Agency, Region V, 230 South  
Dearborn Street, Chicago, Illinois 60604,  
(312) 886-6069.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air  
pollution control, Ozone, Carbon  
monoxide, Hydrocarbon,  
Intergovernmental offices.

Dated: September 21, 1989.

Valdas V. Adamkus,  
Regional Administrator.

[FR Doc. 89-23429 Filed 10-3-89; 8:45 am]

BILLING CODE 6560-50-M

**40 CFR Part 300****[FRL-3654-6]****Taylor Borough Superfund Site NPL Deletion****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of Intent to Delete a Site from the National Priorities List (NPL).

**SUMMARY:** The Environmental Protection Agency (EPA) announces its intent to delete a site from the National Priorities List (NPL) and requests public comments. The NPL is Appendix B to the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). This action is being taken by EPA, because it has been determined that all Fund financed response under CERCLA have been implemented and EPA, in consultation with the State, had determined that no further cleanup is appropriate. The intention of this notice is to request public comment on the intent of EPA to delete the Taylor Borough site.

**DATE:** Comments concerning the site may be submitted on or before November 3, 1989.

**ADDRESSES:** Comments may be mailed to the Regional Docket. Comprehensive information on the site is maintained and available through the EPA Regional Docket clerk.

The Regional Docket is located at the U.S. EPA Region III Office and is available for viewing by appointment only from 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays. Requests for copies of the information from the Regional public docket should be directed to the EPA Headquarters Docket Office. A local docket is located at the Taylor Borough Municipal Building.

Addresses for the Regional and Local Docket Offices are:

U.S. EPA Region III, 841 Chestnut  
Building, Philadelphia, PA 19107  
Taylor Borough Municipal Building, 122  
Union Street, Taylor, PA 18517

**FOR FURTHER INFORMATION CONTACT:**  
Patricia Tan, SARA Special Sites  
Section, 3HW17, Region III,  
Environmental Protection Agency, 841  
Chestnut Building, Philadelphia, PA  
19107 (215) 597-3164

**SUPPLEMENTARY INFORMATION:**

- I. Introduction
- II. NPL Delegation Criteria
- III. Deletion Procedures

**IV. Basis for Intended Site Deletion****I. Introduction**

The Environmental Protection Agency (EPA) announces its intent to delete The Taylor Borough Superfund Site from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), and requests comments on this deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject to Hazardous Substance Response Trust Fund (Fund) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that future conditions at the site warrant such action.

EPA intends to delete The Taylor Borough site from the NPL. The EPA will accept comments on this site for thirty days after publication of this notice in the "Federal Register."

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the site and explains how the site meets the deletion criteria.

The Agency believes it is appropriate to review all sites being considered or proposed for deletion from the NPL, including the site being notice today, to determine whether the requirement for a five-year review (under CERCLA section 121(c)) applies. This is consistent with the intent of the statement in the Administrator's *Management Review of the Superfund Program* (the "90-day Study"), that "EPA will modify Agency policy so that no site, where hazardous substances remain, will be deleted from the NPL until at least one five year review is conducted and the review indicates that the remedy remains protective of human health and the environment." EPA will shortly issue its policy on when and how five-year review sites may be deleted from the NPL. This policy may have an effect on the timing of site deletions proposed in this and other notices.

**II. NPL Deletion Criteria**

Recent amendments to the NCP establish the criteria the Agency uses to delete sites from the NPL, as published in the *Federal Register* on November 20, 1985 (50 FR 47912). Section 300.66(c)(7) of the NCP provides that sites

\* \* \* may be deleted from or recategorized in the NPL where no further response is appropriate.

In making this determination EPA will consider whether any of the following criteria has been met:



(I) EPA in consultation with the State has determined that responsible or other parties have implemented all appropriate response actions required.

(II) All appropriate Fund-financed response under CERCLA has been implemented and EPA in consultation with the State has determined that no further cleanup by responsible parties is appropriate; or

(III) Based on a remedial investigation, EPA in consultation with the State has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Before deciding to delete a site, EPA will make a determination that the remedy or decision that no remedy is necessary is protective of public health, welfare, and the environment considering environmental requirements that are applicable or relevant and appropriate at the time of the deletion.

Deletion of the site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such actions. Section 300.66(c)(8) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL.

### III. Deletion Procedures

Deletions of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist agency management. As is mentioned in Section II of this notice, Section 300.66(c)(8) of the NCP makes clear that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

EPA will solicit public comment on the proposed deletion of The Taylor Borough Site for thirty days. The comments received during the notice and comment period will be evaluated before the final decision to delete is made.

A decision will occur after U.S. EPA Region III places a notice in the Federal Register. The NPL will reflect any deletion in the next update. Public notices and copies of the responsiveness summary will be made available to the local residents by the Regional Office.

### IV. Basis for Intended Site Deletion

The Taylor Borough Site is located in Taylor Borough, Lackawanna County, Pennsylvania. This site had been extensively mined for anthracite coal by both strip and underground mining operations. Following the mining operations, the unreclaimed strip mine pits were used as a municipal landfill.

Records from the Pennsylvania Department of Environmental Resources (PADER) also document the disposal of industrial wastes during the 1960's. After the landfill operation ceased, drummed industrial wastes were found on the surface of the site.

During September through November of 1983, EPA removed approximately 1,200 drums from the site. A Remedial Investigation and Feasibility Study Report was initiated in March 1984 and completed in May 1985 by EPA. This report described the necessary remedial actions for this site as follows: removal and off-site disposal to a qualifying facility under the Resource Conservation and Recovery Act (RCRA) 40 CFR part 264, Subpart N of approximately 125 crushed and intact drums and remnants remaining on the surface or partially buried; collection and treatment of contaminated surface water in Ponds 1 and 2; excavation of contaminated soils and wastes from former Drum Storage Areas Nos. 1 and 2 and sediments in Ponds Nos. 1 and 2 for off-site disposal to a qualified RCRA facility; proper backfilling and placement of a 24 inch soil cover over: (a) former drum storage areas 3 and 6 and the entire area in between, and (b) former drum storage area 4 and installation of a chain link fence around the perimeter of both soil covered areas. Since no releases of site contaminants to the groundwater or to the St. John's Creek has been documented there is no need for remediation of either of these waters, however, a monitoring program is warranted to verify over time that no release is occurring. Specifically identified groundwater wells on site will be monitored on a semi-annual basis and the St. John's Creek will be monitored on an annual basis, both for a minimum five year period as part of Operation and Maintenance activities. PADER has agreed with these remedial actions.

During the time period July 1987 through May 1988 a group of Potentially Responsible Parties (PRPs) performed the required remedial actions identified above. EPA was on-site every day during this time period overseeing the work and verifying that the work was performed according to the EPA approved Remedial Design. On December 23, 1988 EPA sent a letter to the PRPs who performed the remedial actions certifying that the work was completed to EPA's satisfaction. Operation and Maintenance activities will be initiated at the Site beginning Spring 1989.

Dated: December 31, 1988.

Stanley L. Laskowski,

Acting Regional Administrator.

[FR Doc. 89-23301 Filed 10-3-89; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION  
AGENCY

## 40 CFR Part 52

[FRL-3655-9]

Approval and Promulgation of  
Implementation Plans; Wisconsin State  
Implementation Plan; WithdrawalAGENCY: United States Environmental  
Protection Agency (USEPA).ACTION: Notice of proposed  
rulemaking—Withdrawal.

**SUMMARY:** On February 22, 1989, (54 FR 7572), USEPA proposed to disapprove a site-specific revision to the Wisconsin State Implementation Plan (SIP) for ozone. This proposed revision had been submitted by the Wisconsin Department of Natural Resources as a revision to the Wisconsin SIP and consisted of portions of Wisconsin's 1987 Act 27, which created a program for allocating any growth allowance for sources of volatile organic compounds in Southeastern Wisconsin.

Wisconsin subsequently withdrew this revision to its SIP from further USEPA rulemaking. Thus, USEPA is withdrawing its February 22, 1989, proposal.

EFFECTIVE DATE: October 4, 1989.

**ADDRESSES:** Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Fayette Bright, (312) 886-6069, before visiting the Region V Office.)

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**FOR FURTHER INFORMATION CONTACT:**  
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Dearborn Street, Chicago, Illinois 60604,  
(312) 886-6069.

## List of Subjects in 40 CFR Part 52

Environmental protection, Air  
pollution control, Ozone, Carbon  
monoxide, Hydrocarbon,  
Intergovernmental offices.

Dated: September 21, 1989.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 89-23429 Filed 10-3-89; 8:45 am]

BILLING CODE 6550-50-M

## 40 CFR Part 300

[FRL-3654-6]

Taylor Borough Superfund Site NPL  
DeletionAGENCY: Environmental Protection  
Agency (EPA).ACTION: Notice of Intent to Delete a Site  
from the National Priorities List (NPL).

**SUMMARY:** The Environmental Protection Agency (EPA) announces its intent to delete a site from the National Priorities List (NPL) and requests public comments. The NPL is Appendix B to the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). This action is being taken by EPA, because it has been determined that all Fund financed response under CERCLA have been implemented and EPA, in consultation with the State, had determined that no further cleanup is appropriate. The intention of this notice is to request public comment on the intent of EPA to delete the Taylor Borough site.

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Patricia Tan, SARA Special Sites  
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19107 (215) 597-3164

## SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. NPL Delegation Criteria
- III. Deletion Procedures

## IV. Basis for Intended Site Deletion

## I. Introduction

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Dated: December 31, 1988.

Stanley L. Laskowski,  
Acting Regional Administrator.  
[FR Doc. 89-23301 Filed 10-3-89; 8:45 am]  
BILLING CODE 6560-50-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-6946]

### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency  
Management Agency.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 54 FR 2150 on January 19, 1989. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Unincorporated Areas of Augusta County, Virginia.

**FOR FURTHER INFORMATION CONTACT:**  
John L. Matticks, Chief, Risk Studies  
Division, Federal Insurance  
Administration, Federal Emergency  
Management Agency, Washington, DC  
20472, (202) 646-2767.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Unincorporated Areas of Augusta County, previously published at 54 FR 2150 on January 19, 1989, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR part 67.

### List of Subjects in 44 CFR Part 67

Flood Insurance, Floodplains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

On page 2150, in the January 19, 1989 issue of *Federal Register*, the entries under Augusta County (Unincorporated Areas) are corrected to read as follows: